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The President

GOLD STAR MOTHER'S DAY
BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA

A PROCLAMATION

WHEREAS the preamble to Public Resolution 123, 74th Congress, approved June 23, 1936 (49 Stat. 1895), recites:

"Whereas the service rendered the United States by the American mother is the greatest source of the country's strength and inspiration; and

"Whereas we honor ourselves and the mothers of America when we revere and give emphasis to the home as the foundation of the state; and

"Whereas the American mother is doing so much for the home and for the moral and spiritual uplift of the people of the United States and hence so much for good government and humanity; and

"Whereas the American Gold Star Mothers suffered the supreme sacrifice of motherhood in the loss of their sons and daughters in the World War;"

AND WHEREAS the said Public Resolution 123 provides:

"That the President of the United States is hereby authorized and requested to issue a proclamation calling upon the Government officials to display the United States flag on all Government buildings, and the people of the United States to display the flag and to hold appropriate meetings at their homes, churches, or other suitable places, on the last Sunday in September, as a public expression of the love, sorrow, and reverence of the people of the United States for the American Gold Star Mothers.

"Sec. 2. That the last Sunday in September shall hereafter be designated and known as 'Gold Star Mother's Day', and it shall be the duty of the President to request its observance as provided for in this resolution."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the

aforesaid public resolution, do hereby designate the last Sunday in September of this and of each succeeding year as Gold Star Mother's Day, do direct the officials of the Government to have the flag of the United States displayed on all Government buildings on that day, and do call upon the American people to display the flag and observe Gold Star Mother's Day in their homes, churches, and other suitable places as a public expression of their affection and reverence for the American Gold Star Mothers.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 14th day of September, in the year of our Lord nineteen hundred and [SEAL] forty, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.

[No. 2424]

[F. R. Doc. 40-3886; Filed, September 16, 1940; 11:37 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 721—CORN

A PROCLAMATION BY THE SECRETARY OF AGRICULTURE RELATING TO CORN MARKETING QUOTAS FOR 1940

Whereas the Agricultural Adjustment Act of 1933, as amended, provides:

Sec. 322. (a) Whenever in any calendar year the Secretary determines from available statistics of the Department, including the August production estimate officially published by the Division of Crop and Livestock Estimates of the Bureau of Agricultural Economics of the Department, that the total supply of corn as of October 1 will exceed the

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FEDERAL REGISTER

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normal supply thereof by more than 10 per centum, marketing quotas shall be in effect in the commercial corn-producing area for the crop of corn grown in such area in such calendar year, and shall remain in effect until terminated in accordance with the provisions of this title.

(b) The Secretary shall determine, on the basis of the estimated average yield of corn

in such area for such crop, the acreage in such area which the Secretary determines would make available for the marketing year beginning October 1 a supply of corn (together with the estimated production of corn in the United States outside such area) equal to the normal supply. The percentage which the number of acres so determined is of the total number of acres of the acreage allotment under section 328 shall be proclaimed by the Secretary. Such percentage is referred to herein as the "marketing percentage."

(c) The Secretary shall proclaim his determinations of facts under subsection (a) and his determination of the marketing percentage under subsection (b) not later than August 15. (52 Stat. 49, U.S.C. 1322); and

Whereas Public Resolution No. 34 (H. J. Res. 342, 76th Congress, First Session), approved July 26, 1939, provides:

* * * that notwithstanding the provisions of section 322 of the Agricultural Adjustment Act of 1938, as amended, the determinations under subsection (c) may be proclaimed at any time prior to September 15, * * *. (53 Stat. 1125, 7 U.S.C. Supp. V, 1322a); and

Whereas the Agricultural Adjustment Act of 1938, as amended, contains in section 301 (b) thereof, the following definitions of terms here pertinent:

"Marketing year" means, in the case of the following commodities, the period beginning on the first and ending with the second date specified below:

Corn, October 1—September 30

"Total supply" of corn * * * for any marketing year shall be the carry-over of the commodity for such marketing year plus the estimated production of the commodity in the United States during the calendar year in which such marketing year begins.

"Normal supply," in the case of corn * * * shall be a normal year's domestic consumption and exports of the commodity, plus 7 per centum in the case of corn, * * * of a normal year's domestic consumption and exports, as an allowance for a normal carry-over.

"Reserve supply level," in the case of corn, shall be a normal year's domestic consumption and exports of corn, plus 10 per centum of a normal year's domestic consumption and exports, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty. (52 Stat. 38, 7 U.S.C. 1301); and

Whereas said act further provides:

Sec. 304. The powers conferred under this Act shall not be used to discourage the production of supplies of foods and fibers sufficient to maintain normal domestic human consumption as determined by the Secretary from the records of domestic human consumption in the years 1920 to 1929, inclusive, taking into consideration increased population, quantities of any commodity that were forced into domestic consumption by decline in exports during such period, current trends in domestic consumption and exports of particular commodities, and the quantities of substitutes available for domestic consumption within any general class of food commodities. In carrying out the purposes of this Act it shall be the duty of the Secretary to give due regard to the maintenance of a continuous and stable supply of agricultural commodities from domestic production adequate to meet consumer demand at prices fair to both producers and consumers. (52 Stat. 45, 7 U.S.C. 1304); and

Whereas said Act provides in section 301 (c), that the latest available statistics of the Federal Government shall be

used by the Secretary of Agriculture in making the determinations required to be made by the Secretary under said act (52 Stat. 38, 7 U.S.C. 1301); and

Whereas by proclamation, dated November 25, 1939, issued by H. A. Wallace, Secretary of Agriculture, pursuant to section 327 of said act, the commercial corn-producing area for the calendar year 1940 was ascertained and proclaimed; and

Whereas by proclamation, dated November 25, 1939, issued by H. A. Wallace, Secretary of Agriculture, pursuant to section 328 of said act, the acreage allotment of corn for the commercial corn-producing area for the calendar year 1940 was ascertained and proclaimed to be 36,638,000 acres.

Now therefore be it known that I, Claude R. Wickard, Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in me by the Act of Congress, known as the Agricultural Adjustment Act of 1938, as amended, upon the basis of the latest available statistics of the Federal Government, do hereby determine and proclaim, under section 322 of said act, as amended by said Public Resolution No. 34, approved July 26, 1939;

§ 721.205 *Determinations relating to corn marketing quotas for 1940.* (a) That the total supply of corn for the marketing year commencing October 1, 1940, is 2,897,000,000 bushels.

(b) That the normal supply of corn for the marketing year commencing October 1, 1940, is 2,664,000,000 bushels.

(c) That the reserve supply level of corn for the marketing year commencing October 1, 1940, is 2,739,000,000 bushels.

(d) That the total supply of corn, as of October 1, 1940, will not exceed the normal supply thereof by more than 10 per centum.

Done at Washington, D. C., this 12th day of September 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 40-3865; Filed, September 13, 1940; 3:25 p. m.]

TITLE 24—HOUSING CREDIT

CHAPTER IV—HOME OWNERS' LOAN CORPORATION

PART 402—LOAN SERVICE

PARTIAL RELEASE AND PROPERTY TRANSFER

Section 402.03f is amended to read as follows:

§ 402.03f *Partial release and property transfer.* The General Manager, with advice of the General Counsel, and subject to such terms, conditions and consideration therefor as the General Man-

ager determines to be in the best interests of the Corporation may grant

(1) the partial release or subordination of any lien or security instrument including the property covered thereby, or

(2) the waiver of any right under any security instrument, installment sales contract, debt or evidence in indebtedness secured thereby, or of any additional or supplemental agreements held by the Corporation in connection with such instruments, whether arising by contract or by operation of law including the right for deficiency judgment (but excluding discharges based upon payment in full) or

(3) the written consent of the Corporation to the making of repairs and improvements to, or the removal or demolition of, property covered by any security instrument, contract or other obligation.

The authority vested in the General Manager by this Section may be exercised by the Regional Manager, with the advice of the Regional Counsel, under procedure and limitations prescribed by the General Manager with approval of the General Counsel.

(Effective date September 15, 1940)
(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U. S. C. 1463 (a), (k)).

Adopted by the Federal Home Loan Bank Board on September 5, 1940.

[SEAL]

J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 40-3880; Filed, September 14, 1940; 12:24 p. m.]

[Administrative Order No. 2-274]

PART 402—LOAN SERVICE

PARTIAL RELEASES AND SUBORDINATION OF LIENS, APPLICATION FOR; CONSENTS TO REPAIRS AND IMPROVEMENTS

Section 402.03-27 is amended to read as follows:

§402.03-27 *Application for partial release.* The Regional Manager, with the advice of the Regional Counsel, may grant partial releases, subordinations or waivers in accordance with the following regulations and subject to such terms, conditions and consideration therefor as he determines to be necessary to fully protect the Corporation's interests. Any land or interest therein received by the home owner in, or any enhancement in value resulting from, a transaction in connection with which any such instrument is to be executed shall inure to the benefit of the Corporation and any funds received by the home owner or by the Corporation as mortgagee or assignee shall be credited or disbursed in accordance with §§ 402.15 through 402.15-3 and Part 408.

Applications for partial release shall be made by the home owner on Form 194.

Where applicable, and with such adaptations as may be necessary, this form may also be used in connection with requests for subordination or waiver. Sections 402.03-35.1, 402.03-35.3, 402.03-35.4, 402.03-35.5, and 402.03-35.6 are added, reading as follows:

§ 402.03-35.1 *Consent to repairs and improvements.* All requests for the Corporation's consent to the making of repairs and improvements to, or the removal or demolition of, property securing indebtedness to the Corporation, received in a field office, shall be referred to the appropriate Control Supervisor, who shall send the case to the field for the execution by the home owner of Form 535 and the completion of Block I by the Service Representative. If the circumstances of the case are such that it is not necessary to have a service report by the Service Representative, the Control Supervisor may obtain the execution of Form 535 by the home owner by mail. If the request originates in connection with a field contact, the Service Representative shall have Form 535 executed by the home owner, complete Block I, and forward to the Control Supervisor. Form 535 shall be executed in triplicate. The reverse side of the original shall be left blank, as it will be returned to the home owner after execution by the Corporation of the consent in the lower portion of the face of the form. The Control Supervisor shall complete Block II.

§ 402.03-35.3 *Regional Counsel's approval.* In jurisdictions where the Regional Counsel advises the Regional Manager that the priority, validity and enforceability of the Corporation's lien will not be affected by the Corporation's consent to the making of repairs and improvements to, or the removal or demolition of, property securing indebtedness to the Corporation, the Form 535 need not be referred to the Regional Counsel for the completion of Block V.

In all other jurisdictions, however, where the Corporation's lien may be affected by the giving of such consent, the form shall be forwarded to the Regional Counsel for the completion of Block V. In jurisdictions where it is necessary on receiving notice of intended improvements, or because of any provisions of law, that action be taken by the Corporation to prevent any lien arising out of such repairs, improvements, removals or demolition which would become prior or superior to the Corporation's lien, the Regional Manager is directed to take appropriate action as the Regional Counsel may advise is reasonably necessary under the law of the particular jurisdiction to preserve and protect the priority, validity and enforceability of the Corporation's lien.

§ 402.03-35.4 *Superior liens.* Where the Regional Manager determines that it is to the best interests of the Corporation for the consent to be given even though a lien superior to the Corporation's lien may be created, he may grant such con-

sent, provided that by proper indemnity bond or otherwise the Corporation is reasonably protected against any lien arising on account of such improvements.

§ 402.03-35.5 *Consent given.* The Regional Manager shall consider the recommendations on Form 535 and unless he determines it will have an adverse effect on the Corporation's security or the enforcement of its rights, or interfere with the home owner's ability to properly discharge his obligation to the Corporation, he may approve the transaction by completing Block VI.

§ 402.03-35.6 *Consent to be in writing; conditions.* The consent which may be given in any case shall be in writing and shall, except in cases as provided above, by its terms, be upon the express condition that the priority, validity and enforceability of any instrument held by the Corporation shall not be affected or impaired. The Regional Manager, with the advice of the Regional Counsel, may insert in Form 535 such other conditions as he determines to be necessary to adequately protect the Corporation's interests.

(Effective date September 15, 1940)
(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k).)

[SEAL]

J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 40-3879; Filed, September 14, 1940; 12:24 p. m.]

PART 405—RECONDITIONING

CONSENT TO MAKE IMPROVEMENTS

Section 405.04 is revoked, and the following new § 405.04 adopted:

§ 405.04 *Consent to make improvements.* The General Manager, with the advice of the General Counsel, and subject to such terms, conditions and consideration therefor as the General Manager determines to be in the best interests of the Corporation may grant the written consent of the Corporation to the making of repairs and improvements to, or the removal or demolition of, property covered by any security instrument, contract or other obligation.

The authority vested in the General Manager by this Section may be exercised by the Regional Manager, with the advice of the Regional Counsel, under procedure and limitations prescribed by the General Manager with approval of the General Counsel.

(Effective date September 15, 1940)
(Secs. 4 (a), 4 (k) of the Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as

amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647: 12 U.S.C. 1463 (a), (k)).

Adopted by the Federal Home Loan Bank Board on September 5, 1940.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F.R. Doc. 40-3881; Filed, September 14, 1940;
12:25 p. m.]

[Administrative Order No. 530]

PART 405—RECONDITIONING

CONSENTS TO REPAIRS AND REMOVALS

Sections 405.04-1, 405.04-5, and 405.04-6 are revoked and the following §§ 405.04-1, 405.04-2, and 405.04-3 are adopted in lieu thereof.

§ 405.04-1 *Cases processed by the Reconditioning Section.* In connection with a request by a home owner for the Corporation's consent to the making of repairs and improvements to, or the removal or demolition of, a property securing indebtedness to the Corporation where the estimated cost of repairs and improvements or the value of the property to be removed or demolished exceeds \$50, the Control Supervisor shall forward the case to the Regional Reconditioning Supervisor who shall review the request and, if he considers it necessary or desirable, shall cause an inspection report to be made and shall make his recommendation on Form 535. Such inspection, if required, shall be made by a salaried inspector if available; otherwise the inspection may be made by a fee inspector and the cost of such inspection charged to the home owner's account. In the event the estimated cost of repairs and improvements or the value of the property to be removed or demolished does not exceed \$50, the Regional Manager may, if he considers it necessary or advisable, assign the case to the Regional Reconditioning Supervisor for review and recommendation.

The assignment of the case to the Reconditioning Section shall include a statement of the proposed repairs and improvements to, or the improvements to be removed or demolished and any other pertinent information relating to such reconditioning.

§ 405.04-2 *Inspections.* If an inspection report is considered necessary or desirable, the inspector shall visit the property and in conference with the home owner determine, if appropriate, (a) the extent and character of the proposed repairs and improvements, (b) the cost thereof, (c) the manner of accomplishing and paying for such repairs and improvements and (d) the extent and character of the proposed removal or demolition of the improvements. The inspector shall report his general opinion as to whether the proposed repairs and improvements or the removal or demolition of the improvements will in any way impair, de-

crease or destroy the value or utility of the premises.

§ 405.04-3 *Consent granted.* Whenever a consent to repairs and removals is approved by the Regional Manager and the character or extent of the repairs and improvements or the removal or demolition of improvements affects the interest of the Corporation, he shall direct the Reconditioning Section to provide observation of the work undertaken by the home owner. The Reconditioning Supervisor shall assign the case to a salaried inspector if available or a fee inspector for the purpose of observing and ascertaining that the interest and security of the Corporation are protected.

Completion. Upon completion of the repairs and improvements or the removal or demolition thereof, the inspector shall make a final report to the Reconditioning Supervisor.

(Effective date September 15, 1940)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647: 12 U.S.C. 1463 (a), (k))

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 40-3878; Filed, September 14, 1940; 12:23 p. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 3—RULES GOVERNING STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

AMENDMENTS

The Commission on September 10, 1940, effective March 29, 1941, repealed §§ 3.25 to 3.29, inclusive, and 3.34 and, also effective March 29, 1941, adopted §§ 3.25 to 3.29, inclusive, and 3.34 as follows:¹

§ 3.25 *Clear channels; Class I and II stations.* The frequencies in the following tabulation are designated as clear channels and assigned for use by the classes of stations as given:

(a) To each of the channels below there will be assigned one class I station and there may be assigned one or more class II stations operating limited time or daytime only: 640, 650, 660, 670, 700, 720, 750, 760, 770, 780, 820, 830, 840, 850, 870, 880, 890, 1020, 1040, 1100, 1120, 1160, 1180, 1200, and 1210 kilocycles. The power of the Class I stations on these channels shall not be less than 50 kilowatts.

(b) To each of the channels below there may be assigned Class I and Class

II stations: 680, 710, 810, 940, 1000, 1030, 1060, 1070, 1080, 1090, 1110, 1130, 1140, 1170, 1190, 1500, 1510, 1520, 1530, 1550, and 1560 kilocycles.

(c) For Class II stations located not less than 650 miles from the nearest Canadian Border and which will not deliver over 5 microvolts per meter ground wave or 25 microvolts per meter 10 per cent time sky wave at any point on said border, 690, 740, 860, 990, 1010,² and 1580 kilocycles.

(d) For Class II stations which operate daytime only with power not in excess of 1 kilowatt and which will not deliver over 5 microvolts per meter ground wave at any point on the nearest Mexican Border, 730, 800, 900, 1050,³ 1220,⁴ and 1570 kilocycles.

(e) For Class II stations located not less than 650 miles from the nearest Cuban Border and which will not deliver over 5 microvolts per meter ground wave or 25 microvolts per meter 10 per cent time sky wave at any point on said border, 1540 kilocycles.

§ 3.26 *Regional channels:* Classes III-A and III-B stations. The following frequencies are designated as regional channels and are assigned for use by Class III-A and III-B stations:⁵ 550, 560,⁶ 570,⁷ 580, 590,⁸ 600, 610, 620, 630,⁹ 790, 910, 920, 930, 950, 960, 970, 980, 1150, 1250, 1260, 1270,¹⁰ 1280, 1290, 1300, 1310, 1320, 1330, 1350, 1360, 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1480, 1590, and 1600 kilocycles.

§ 3.27 *Local channels:* Class IV stations. The following frequencies are designated as local channels and are assigned for use by Class IV stations: 1230, 1240, 1340, 1400, 1450, and 1490 kilocycles.

§ 3.28 *Assignment of station to channels.* (a) The individual assignments of stations to channels which may cause interference to other United States stations only, shall be made in accordance with the standards of good engineering practice prescribed and published from time to time by the Commission for the respective classes of stations involved. (For determining objectionable interference see "Engineering Standards of Allocation" and "Field Intensity Measurements in Allocation", Section C.)

(b) In all cases where an individual station assignment may cause interference with or may involve a channel assigned for priority of use by a station in

¹ A station on 1010 kilocycles shall also protect a Class I-B station at Havana, Cuba.

² See North American Regional Broadcasting Agreement for use of this channel by a station in New York (Appendix I, Table IV).

³ See Agreement with Mexico for further use of this channel.

⁴ See § 3.29 in regard to assigning Class IV stations to regional channels.

⁵ See North American Regional Broadcasting Agreement for special provision concerning the assigning of Class II stations in other countries of North America to these regional channels. Such stations shall be protected from interference in accordance with Appendix II, Table I, of said Agreement.

⁶ See page 3696.

another North American country, the classifications, allocation requirements and engineering standards set forth in the North American Regional Broadcasting Agreement shall be observed.

§ 3.29 *Assignment of Class IV stations to regional channels.* On condition that interference will not be caused to any Class III station, and that the channel is used fully for Class III stations and subject to interference as may be received from Class III stations, Class IV stations may be assigned to regional channels.

§ 3.34 *Normal license period.* All standard broadcast station licenses will be issued so as to expire at the hour of 3 a. m., Eastern Standard Time, and will be issued for a normal license period of 1 year, expiring as follows:

(a) For stations operating on the frequencies 640, 650, 660, 670, 680, 690, 700, 710, 720, 730, 740, 750, 760, 770, 780, 800, 810, 820, 830, 840, 850, 860, 870, 880, 890, 900, 940, 990, 1000, 1010, 1120, 1030, 1040, 1050, 1060, 1070, 1080, 1090, 1100, 1110, 1120, 1130, 1140, 1160, 1170, 1180, 1190, 1200, 1210, 1220, 1500, 1510, 1520, 1530, 1540, 1550, 1560, 1570, and 1580 kilocycles, February 1.

(b) For stations operating on the frequencies 550, 560, 570, 580, 590, 600, 610, 620, 630, 790, 910, 920, 930, and 950 kilocycles, April 1.

(c) For stations operating on the frequencies 960, 970, 980, 1150, 1250, 1260, 1270, 1280, 1290, 1300, 1310, and 1320 kilocycles, June 1.

(d) For stations operating on the frequencies 1330, 1350, 1360, 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1480, 1590, and 1600 kilocycles, August 1.

(e) For stations operating on the frequencies 1230, 1240 and 1340 kilocycles, October 1.

(f) For stations operating on the frequencies 1400, 1450, and 1490 kilocycles, December 1.

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i))

(Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-3867; Filed, September 14, 1940; 9:14 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

ADOPTION OF TARIFFS, SUPPLEMENTS AND OTHER DOCUMENTS FILED PURSUANT TO SECTION 217 OF THE MOTOR CARRIER ACT, 1935

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 30th day of April, A. D. 1940.

The matter of regulations governing the adoption of tariffs, supplements and other documents filed pursuant to Section 217 of the Motor Carrier Act, 1935, and as amended, being under consideration and good cause appearing therefor:

It is ordered, That the regulations contained in Special Circular M No. 1, and as amended,¹ be, and they are hereby, canceled, effective April 1, 1941, insofar as said regulations apply to the adoption of publications filed by common carriers by motor vehicle and common carriers by water, other than railroad owned or controlled water carriers, pursuant to Section 217 of the Motor Carrier Act, 1935, and as amended, and shall be superseded by the regulations contained in Tariff Circular MF No. 3.

It is further ordered, That Amendment No. 2 to Special Circular M No. 1 providing for the cancellation of said regulations, be, and it is hereby approved and made effective April 1, 1941.

By the Commission, division 5.

[SEAL]

W. P. BARTEL,
Secretary.

AMENDMENT NO. 2 TO SPECIAL CIRCULAR M NO. 1

Cancellation Notice

Effective April 1, 1941, the regulations contained in Special Circular M No. 1, and as amended, Rules 1, 2, 3, 4 and 5 thereof, insofar as said regulations govern the publication, filing and posting of adoption notices and supplements by common carriers by motor vehicle and common carriers by water, other than railroad owned or controlled water carriers, are canceled.

On and after April 1, 1941, regulations contained in Tariff Circular MF No. 3 will govern.

[F. R. Doc. 40-3857; Filed, September 13, 1940; 11:39 a. m.]

CONSTRUCTION, FILING AND POSTING OF TARIFFS BY COMMON CARRIERS BY MOTOR VEHICLE

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 30th day of April, A. D. 1940.

The matter of regulations governing the construction, filing and posting of tariffs by common carriers by motor vehicle, also joint tariffs of common carriers by motor vehicle and common carriers by water, other than railroad owned or controlled water carriers, pursuant to Section 217 of the Motor Carrier Act, 1935, and as amended, being under consideration and good cause appearing therefor:

It is ordered, That the regulations contained in Tariff Circular MF No. 2, and as amended,² be and they are hereby canceled, effective April 1, 1941,

insofar as said regulations govern the construction, filing and posting of tariffs by common carriers by motor vehicle, also joint tariffs of common carriers by motor vehicle and common carriers by water, other than railroad owned or controlled water carriers, pursuant to Section 217 of the Motor Carrier Act, 1935, and as amended, and shall be superseded by the regulations contained in Tariff Circular MF No. 3.

It is further ordered, That Supplement No. 2 to Tariff Circular MF No. 2 providing for the cancellation of said regulations be, and it is hereby approved and made effective April 1, 1941.

By the Commission, division 5.

[SEAL]

W. P. BARTEL,
Secretary.

SUPPLEMENT NO. 2 TO TARIFF CIRCULAR MF NO. 2

Cancellation Notice

Effective April 1, 1941, all regulations of Tariff MF No. 2, contained in Sections 1 and 3 thereof, insofar as they govern the construction, filing and posting of tariffs by common carriers by motor vehicle, also joint tariffs of common carriers by motor vehicle and common carriers by water, other than railroad owned or controlled water carriers, pursuant to Section 217 of the Motor Carrier Act, 1935, and as amended, are canceled.

On and after April 1, 1941, the regulations contained in Tariff Circular MF No. 3 will govern.

[F. R. Doc. 40-3858; Filed, September 13, 1940; 11:39 a. m.]

[Tariff Circular MF No. 3¹]

REGULATIONS TO GOVERN THE CONSTRUCTION, FILING, AND POSTING OF COMMON CARRIER FREIGHT TARIFFS AND CLASSIFICATION PUBLICATIONS

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 30th day of April, A. D. 1940.

The matter of regulations governing the construction, filing, and posting of tariffs by common carriers by motor vehicle, also joint tariffs of common carriers by motor vehicle and common carriers by water, other than railroad owned or controlled water carriers, pursuant to Section 217 of the Motor Carrier Act, 1935, and as amended, being under consideration and good cause appearing therefor:

It is ordered, That tariffs of common carriers of property by motor vehicle, also joint tariffs of common carriers of property by motor vehicle and common carriers by water, other than railroad owned or controlled water carriers, filed pursuant to Section 217 of the Motor

¹ Cancels Tariff Circular MF No. 2 to the extent shown in Supplement No. 2 thereto and Special Circular M No. 1 to the extent shown in Amendment No. 2 thereto.

² 3 F.R. 2363.

³ 5 F.R. 1382, 1624.

Carrier Act, 1935, and as amended, shall be constructed, published, filed, posted, and kept open for public inspection in accordance with regulations adopted and promulgated in Tariff Circular MF No. 3, which regulations shall cancel and supersede regulations heretofore adopted and promulgated in Tariff Circular MF No. 2, to the extent indicated in Supplement No. 2 thereto; and shall cancel and supersede regulations heretofore adopted and promulgated in Special Circular M No. 1, to the extent indicated in Amendment No. 2 thereto;

It is further ordered, That the said Tariff Circular MF No. 3 be, and is hereby, approved and made effective April 1, 1941, except as therein provided.

By the Commission, Division 5.

[SEAL]

W. P. BARTEL,
Secretary.

These regulations will also apply to tariffs containing joint rates of common carriers of property by motor vehicle and common carriers by water, other than railroad-owned or railroad-controlled water carriers.

These regulations will not apply to tariffs containing joint rates between motor carriers and common carriers by rail or by water when such water carriers are railroad-owned or railroad-controlled and operate under the provisions of Section 5 (21) part I of the Interstate Commerce Act, or to tariffs containing joint motor-rail-water rates whether or not the water carrier is railroad-owned or controlled.

Common Carrier Freight Tariffs and Classifications

Except as otherwise provided herein, all tariffs and supplements thereto filed by common carriers of property by motor vehicle and agents on or after April 1, 1941, unless otherwise authorized by special permission of the Commission, shall conform to these regulations.

Tariffs and supplements thereto filed prior to April 1, 1941, which do not conform to these regulations shall be brought into conformity therewith on or before October 1, 1941.

The Commission may reject any tariff or supplement thereto which does not comply with these regulations.

The Commission may, for reasons deemed sufficient, direct the reissue of any tariff, power of attorney, or concurrence at any time.

DEFINITIONS

(1) The term "Tariff" as used herein means a publication containing the rates, charges, classification ratings, rules, and regulations (or any of them) published for a common carrier, and it may be in the form of a rate tariff, classification of articles or commodities, or a tariff containing rules and regulations or incidental charges.

(2) The term "Local Rate" as used herein means a rate that applies over the

lines or routes of one carrier only. "Local Tariffs" are those which contain local rates.

(3) The term "Joint Rate" as used herein means a rate that applies over the lines or routes of two or more carriers and that is made by arrangement or agreement between such carriers evidenced by concurrence or power of attorney. "Joint Tariffs" are those which contain joint rates.

(4) The term "Through Rate" as used herein, means the total rate from point of origin to destination. It may be a local rate, a joint rate, or combination of separately established rates.

(5) The term "Proportional Rate" as used herein means a rate published to apply only on traffic originating beyond the point from which such rate applies, destined beyond the point to which such rate applies, or originating and destined beyond the points from and to which such rate applies. "Proportional Tariffs" are those which contain proportional rates.

(6) The term "Commodity Rate" as used herein means a rate published to apply on a commodity or commodities which are specifically named or described in the tariff in which the rate is published or in a separate commodity list. "Commodity Tariffs" are those which contain commodity rates.

(7) The term "Classification" as used herein means a publication containing a list of articles or commodities and the class ratings to which they are assigned for the purpose of applying class rates, together with governing rules and regulations.

(8) The term "Class Rate" as used herein means a rate which applies on any one or more of various articles according to the class rating to which they are assigned in a classification or tariff of exceptions thereto or in the class rate tariff. "Class Tariffs" are those which contain class rates.

(9) The term "Regular Route Carrier" as used herein means one operating over a specified route between fixed termini, as set forth in the carrier's certificate.

(10) The term "Irregular Route Carrier," as used herein means one operating within a specified and defined territory, as set forth in the carrier's certificate, but not over specified route or routes between fixed termini.

RULE 1. FORM AND PREPARATION OF TARIFFS

1. (a) *Form and size of tariff.* All tariffs and supplements thereto shall be in book, pamphlet, or loose-leaf form of size 8 by 11 inches, and shall be plainly printed, planographed, stereotyped, or prepared by other similar durable process on paper of good quality. All tariffs and supplements thereto which are filed and posted shall be clearly legible. Type-written or proof sheets shall not be used for filing or posting.

(b) *Size of type.* The type used shall be of size not less than 8 point bold or

full face, except as provided in rule 2 (b) and except that 6 point bold or full face type may be used for explanation of reference marks and for column headings. No alteration in writing or erasure shall be made in any tariff or supplement thereto.

(c) *Margin on binding edge.* A margin of not less than five-eighths of an inch, without any printing thereon, shall be allowed at the binding edge of each tariff or supplement thereto.

(d) *Tables of rates to be ruled and spaced.* When rates, rate basis numbers, numerals, or letters for other purposes are shown in tables, the tables shall be ruled from top to bottom. When not more than three figures or letters, including reference characters, are employed, the columns shall be not less than one-fourth of an inch in width with a correspondingly greater width when more than three figures or letters, including reference characters, are employed. Such tables shall not contain more than six horizontal lines without a break in the printed matter by a ruled line or at least one blank space across the page.

(e) *Loose-leaf tariffs.* Pages of loose-leaf tariffs shall be printed on thin paper of strong texture, on one side only, must be consecutively numbered in the upper left-hand corner and designated as "Original Page 1", "Original Page 2," etc. Each page must show at the top of the page the name of the carrier or agent, the page number, and the MF-I.C.C. number of the tariff. At the bottom of the page shall be shown the date of issue, the effective date, and the name, title, and street address of the issuing carrier or agent.

RULE 2. TITLE PAGE

2. (a) *Title-page shall show.* The top cover of every tariff or supplement shall consist of durable but flexible paper of sufficient weight and strength to withstand hard usage and shall be prepared as a title page containing the following information in the order named.

(b) *MF-I.C.C. numbers and cancellations.* On the upper right-hand corner an MF-I.C.C. number in prominent bold face type, which shall, on printed tariffs, be not less than 12 point. Numbers shall run consecutively beginning with the next consecutive number in the existing series or, if no tariffs shall have been issued previously, beginning with MF-I.C.C. No. 1. Immediately under this number there shall be shown the MF-I.C.C. number or numbers of the tariff or tariffs canceled thereby, except that, when the cancellations are so numerous that it is inconvenient to show a list of the canceled publications on the title page, it may be shown immediately preceding the table of contents, in which event a reference thereto shall be shown under the MF-I.C.C. number on the title page.

(c) *Name of carrier or name of agent.* On the upper central portion of the title page shall be shown the name of the

issuing carrier or agent. When an individual carrier or a partnership operates under a trade name, the individual name or names shall precede the trade name. The names of carriers shall each be followed by the carrier's certificate number. On agency publications, when the agent is a corporation, the name of the corporation shall be shown, but, when the agent is an individual, the name of the association (if any) for whom the agent acts may also be shown. If this is done, the name of the agent shall be preceded by the name of the association in substantially the following form:

A. B. C. TARIFF BUREAU

JOHN DOE, AGENT

Only one such agent may be thus shown.

(d) *Kind of tariff.* There shall be shown a statement indicating whether the rates are: (1) local, (2) joint, (3) proportional, (4) export, import, coastwise, or intercoastal, (5) joint motor-water, (6) distance rates, or (7) a combination of any such rates, and (8) whether class or commodity or both. When a tariff contains both distance rates and other rates a concise statement of the extent of the application of each kind of rates shall be given. If the tariff is a classification or if it contains rules or other governing provisions, this fact shall be shown.

(e) *Territory.* A brief but reasonably complete statement of the territory within which or the points from and to or between which the rates or other provisions apply shall be given, and, where the application is indicated by States, the names of all States to or from which rates apply shall be shown.

(f) *Governing tariffs.* Reference to the item and page number of the tariff containing a statement of the publications governing the tariff in substantially the following form (this reference need not be shown on the title pages of supplements):

For reference to governing classification, and other governing publications see Item No. -----, Page -----, or as amended.

(g) *Effective and issued dates.* The date on which the rates or other provisions will become effective shall be shown on the lower right-hand side. (For exceptions, see rules 10, 18 and the following paragraph of this rule). The date on which the publication is issued should be on the lower left-hand side.

Every publication which contains rates, rules, or other provisions effective upon a date different from the general effective date of such publication shall show on its title page a notation in substantially the following form:

Effective -----, 19-- (except as otherwise provided herein) or (except as provided in Item -----) or (except as provided on Page -----).

(h) *When issued by permission or order of commission on less than statutory notice.* On every tariff or supplement in which all rates, rules or regula-

tions are made effective on less than 30 days' notice under authority of the Commission, a notation in substantially the following form shall be shown:

Issued on ----- days' notice under authority of ----- of the Interstate Commerce Commission, No. -----, dated -----.

(i) *Name of individual or agent issuing.* The name, title, and address of the person issuing the tariff shall be shown near the bottom of the title page except that when the tariff is issued by a corporation as publishing agent, the name and title of the official of such corporation who has been appointed by the corporation to handle all tariff matters with the Commission shall be shown at the bottom of the title page.

There may be shown if desired, the name and address of a joint agent (if any) in substantially the following form:

Richard Roe, Agent,
XYZ Freight Tariff Bureau,
40 Central Avenue,
Indianapolis, Indiana.
Issued by,
John Doe, Agent,
101 Fifth Street,
Washington, D. C.

Tariffs filed in the MF-I.C.C. series of individual carriers shall show in the lower left-hand corner the principal address of the carrier, where such address is different from that of the individual filing the tariff for such carrier.

(j) *Expiration notice.* A provision in a tariff or supplement that the same, or any part thereof, will expire with a given date, is not a guaranty that the tariff, or supplement, or such part thereof will remain in effect until and including that date. Such provision, if used, will be held to mean that the tariff or supplement, or specified part thereof, will expire with the date named, unless the date is changed on statutory notice, or under special permission of the Commission. In such tariffs and supplements the following notation shall be used to indicate the date upon which the publication will expire.

Expires with -----, unless
Date
sooner canceled, changed, or extended.

If the entire publication is to expire with the specified date, the notation shall be placed near the bottom of the title page. If only a portion of the published rates or other provisions will expire with the specified date, the notation shall be shown in connection with the particular item, rate, or other provision which will expire in such a way as to clearly indicate the matter affected thereby.

RULE 3. CONTENTS OF TARIFFS

Tariffs shall contain in the order named:

3. (a) *Table of contents.* A table of contents containing a full and complete statement, in alphabetical order, of the exact location where information under general headings, by subjects, will be

found, specifying page or item numbers. If a tariff contains so small a volume of matter that its title page or its interior arrangement plainly discloses its contents, the table of contents may be omitted.

(b) *Participating carriers.* The individual names and firm names or (in the case of corporations) corporate names of participating carriers, with city and State in which their principal offices are located and certificate numbers, shall be shown alphabetically arranged together with the form and number of power of attorney or concurrence of each. If the carrier consists of an individual or individuals operating under a trade name, the trade name shall precede the name of the individual operator or names of partners or the name of the individual operator or names of partners may precede the trade name, provided the trade name is shown in alphabetical sequence and in a prominent manner with the individual name or names shown above being indented). When reference to concurrences is shown in agency issues, there shall be included information indicating the carriers to whom such concurrences are given.

Initial, intermediate, and terminal participation may be indicated by any or all of the following reference marks, which must be explained on each page on which they are used: "X" to indicate carriers participating as initial lines; "Y" to indicate intermediate carriers; and "Z" to indicate terminal or delivering line. If there be not more than four participating carriers, they may be shown on the title page.

(c) *Index of commodities.* A complete index, alphabetically arranged, of all articles upon which commodity rates are named therein, together with reference to each item (or page) where a particular article is shown. When nouns are not sufficiently explicit, articles shall be indexed also under the names of descriptive adjectives. All of the entries relating to different kinds or species of the same commodity shall be grouped together. For example, "Paper, building; paper, printing; paper, wrapping."

When articles are grouped together in one list under a generic heading as authorized in rule 4 (e), such generic name shall be shown in the index and opposite thereto shall be shown reference to each item (or page) where the generic term is used. Each article in the generic list must be shown separately in its proper alphabetical order in the index together with reference to each item (or page) where such article is shown by name, but when such article appears only in a generic list, reference to the items (or pages) containing rates may be omitted provided reference is given to the generic name as it appears in the index.

If all of the commodity rates to each destination in a general commodity tariff or a combined class and commodity tariff are arranged in alphabetical order by

commodities, the index of commodities may be omitted from that tariff.

(d) *Index of points.* Indexes of points of origin and destination. Tariffs of regular route carriers which name specific point to point rates shall provide an alphabetical index of all points from which rates apply and a separate alphabetical index of all points to which rates apply showing the States in which points are located and, when the tariff names rates for account of more than one carrier, the carrier or carriers serving such points. Where desirable the rate tariff may refer to a separate publication (not a rate tariff) for the name or names of carriers serving the points appearing in such rate tariff. When all or substantially all of the rates named in a tariff apply in both directions between the points shown therein, the points of origin and destination may be shown in one index. If there be not more than 12 points of origin or 12 points of destination, the names of such points may, if practicable, be shown in alphabetical order on the title page of the tariff, in which event the index of such points of origin or destination or both, as the case may be, may be omitted.

If rates are shown in a tariff by rate bases or by named or numbered territorial groups, indexes of points of origin, and destination shall show the basis or group to which each point is assigned, except that, when reference is made to a separate publication as provided in rule 14 for lists of points in such groups, such points may be omitted from the indexes, provided that (1) there is shown in the table of contents the item or page giving reference by MF-I.C.C. number to the separate publication and (2) there is shown at the beginning of the index of points (if the tariff contains any such index) MF-I.C.C. reference to the separate publication.

If rates in a tariff are so arranged that grouping of points is by geographical arrangement, the alphabetical indexes of points of origin and of destination shall show index numbers corresponding to those assigned to the points in the rate tables and, unless the rate tables themselves indicate that all points shown therein are arranged in geographical order for the carriers shown, there shall be included also a geographical list of points or reference shall be made by MF-I.C.C. number to a separate publication filed in accordance with rule 14 containing such a geographical list of points with corresponding index numbers. The index numbers shall follow the names of the points in the alphabetical index of points and shall precede the names of the points in the geographical list where tariffs contain such lists of points.

If rates are published in numbered items, indexes of points shall show the numbers of items in which rates from or to such points appear, except that, if points are arranged in commodity items in alphabetical order or in numerical se-

quence by index numbers and such commodity items are referred to in the commodity index prescribed in section (c) of this rule, such item numbers may be omitted from the indexes of points. When rates are not published in numbered items, indexes shall show the pages on which rates from or to such points will be found, as well as index numbers of the points, except that, when the points are arranged in rate tables in numerical sequence of index numbers, the page numbers may be omitted from the index. If points of origin or of destination are shown in the rate or rate basis tables in groups arranged by States, the points being in alphabetical order in the groups and such groups also being in alphabetical order of States, or if points of origin or destination are shown in rate tables in continuous alphabetical order throughout the tariff, no index of such points of origin or destination, as the case may be, will be required provided that, when the tariff names rates for more than one carrier, information be included showing the carrier or carriers serving the various points. When points are arranged in rate tables in alphabetical order and indexes of points of origin and destination are not included in the tariff, the table of contents shall refer to the pages on which the rate tables showing an alphabetical list of points are to be found, and, when points are grouped in rate tables by States, the table of contents shall give reference to the pages on which rates from or to points in each State will be found.

Tariffs of irregular route carriers are required to define clearly the territory within which such carriers operate or to contain reference to a separate publication (not a rate tariff) on file with this Commission and bearing an MF-I.C.C. number, similar to publications authorized in rule 14, clearly defining such territory.

(e) *Reference marks and abbreviations.* Explanation of symbols, reference marks, and abbreviations of technical terms used in the tariff shall be shown. If the explanation of a reference mark or symbol does not appear on the page on which it is used, the particular page on which the character is used shall show where the explanation is given.

The following symbols shall be used for the purposes indicated and shall not be used for any other purpose in any tariff:

- ↓ or (R) to denote reductions.
- ◆ or (A) to denote increases.
- ▲ or (C) to denote changes in wording which result in neither increases nor reductions in charges.
- to denote no change in rate. (See rule 7 (b).)
- + to denote intrastate application only.
- to denote reissued matter. (See rule 7 (e).)

(f) *Governing tariffs.* An item containing reference by name of the carrier

or publishing agent and MF-I.C.C. number to any separately published classification, tariff of classification exceptions, tariff of rules, or similar publication affecting the provisions of the tariff shall be shown in substantially the following form:

This tariff is governed, except as otherwise provided herein, by _____ Classification MF-I.C.C. No. _____ issued by _____, by exceptions thereto _____ MF-I.C.C. No. _____, issued by _____, by Rules Circular, MF-I.C.C. No. _____, and by supplements to or subsequent issues of these publications.

A rate tariff may not refer to another rate tariff for classification ratings, exceptions to the classification, rules, or other governing provisions.

Exceptions to classification ratings or rules which apply only in connection with the rates published in a single tariff shall be included in the tariff to which they apply and shall be shown in a separate section under the heading "Exceptions to the Governing Classification" or "Exceptions to the Governing Classification and Tariffs of Exceptions Thereto." Classification exceptions when published in a rate tariff are subject to the provisions of rule 13 (d).

(g) *Explanatory statements.* Such explanatory statements as may be necessary to remove all doubt as to the proper application of the rates and rules contained in the tariff. When rates are published for account of any carrier under authority of a concurrence or of a limited power of attorney, there shall be included in this section of the tariff an explicit statement clearly indicating to what extent the published rates apply for account of such carrier. Only such specific statements as are required to indicate the application with respect to particular carriers should be included in this section. General rules relating to the application of the rates should be published under section (h) of this rule.

(h) *Rules governing the tariffs.* Rules and other provisions which govern the tariff. Under this head all of the rules or provisions stating conditions which in any way affect the rates named in the tariff shall be entered, except as otherwise provided in this section or in section (g) of this rule. A special rule affecting a particular item or rate must be specifically referred to in such item or in connection with such rate, except that provisions affecting more than one but not all of the rates contained in the tariff or applying to only a portion of the carriers for whom the rates are published may be included in the explanatory statements authorized in section (g) of this rule provided that reference is made thereto in such a way as to leave no doubt as to the application of the rates.

Each rule or similar provision should be given a separate number. Such rules or provisions may, if desired, be designated "items" in which event numbers shall be in the same series as those of other items and amendment shall be made as provided in rule 9 (e).

Except as provided in rules 4 (f), 4 (k), and 8, no rule or other provision shall be included which in any way or in any terms authorizes substituting for any rate named in the tariff a rate found in any other tariff, or a rate made up by means of a combination of rates, nor shall any rule be provided to the effect that traffic of any nature will be "Taken only by special agreement," or other provisions of like import.

Where it is not desirable or practicable to include the governing rules and regulations in the rate tariff, such rules and regulations may be separately published in tariffs filed by a carrier or an agent, provided specific reference is made in the rate tariff to such separate publication in the manner set forth in rule 13 (f).

Tariffs which contain rates for the transportation of explosives, inflammable or corrosive materials, or other dangerous articles shall also contain the rules and regulations promulgated by the Commission governing the transportation thereof, or must bear specific reference to the MF-I.C.C. number of the separate publication which contains such rules and regulations. (See rules 13 (f) and 13 (g).)

(i) *Rates.* A statement of rates applicable for transportation of the articles or class of articles on which rates are named therein, arranged as set forth in rule 4.

(j) *Routes.* A clear and explicit statement of routes over which the published rates apply prepared in accordance with the provisions of rule 5.

RULE 4. STATEMENT OF RATES

4. (a) *Explicit statement.* All rates shall be clearly and explicitly stated in cents or in dollars and cents (lawful money of the United States), per 100 pounds, per ton of 2,000 pounds, per ton of 2,240 pounds, per stated truckload, or other defined unit, except unit of time (however, charges for terminal and special services (see rule 11 (a)) may be published in cents or dollars and cents per unit of time), together with the names or other proper designation of the places from and to which they apply. If all rates in a tariff are stated in the same unit, that fact may be indicated on the title page in connection with the application of the tariff.

It must be clearly shown whether the named rates apply from, to, or between the named points and all rates must be arranged in a simple and systematic manner. Complicated plans or ambiguous terms must not be used. Insofar as possible such rates should be subdivided into small sections (by items, index numbers, or similar method) to each of which should be assigned an identifying number to facilitate reference thereto.

Where rates are stated in amounts per package, definite specifications showing size, capacity, or weight of the packages on which such rates apply must be shown or reference must be made by

MF-I.C.C. number to a publication, on file with this Commission, containing such specifications.

(b) *Arbitraries or differentials.* A tariff may provide rates from or to designated points by the addition or deduction of arbitraries or differentials from or to rates shown therein from or to base points, but provision for the addition or deduction of arbitraries or differentials shall be shown either in connection with the base rate or in a separate item which must specifically name the base point and clearly and definitely state the manner in which such arbitraries or differentials shall be applied.

(c) *Percentages of class rates.* When articles are made subject to percentages of class rates (for example, 110 percent of first class, 83 1/3 percent of fifth class, etc.), whether in a tariff of rates, a classification, or exceptions thereto, the rates applicable under such provisions must be shown in the class tariffs just as if those percentages were additional numbered or lettered classes, or reference must be made to an appropriate table, published in the tariff containing the class rates or in a governing publication which will show in one column the class rates and in succeeding columns the actual rates representing the various specified percentages of class rates. Unless one of these methods is used, specific commodity rates must be published.

(d) *Minimum quantities.* When truckload or volume commodity rates are published, the minimum quantities on which the rates apply shall be specifically stated in the tariff naming the commodity rates, except as provided in rule 4 (e). When rates on mixed truckload or quantity shipments of two or more articles are published, the tariff shall show the minima on which the rates apply, and if the various articles are not made subject to the same rate, or if different minima are provided for different articles, the tariff shall show how the minimum charge per shipment shall be determined.

(e) *Grouping of articles under generic head.* A commodity item may, by use of a generic term, provide rates on a number of articles without naming such articles, provided such commodity item contains reference to an item (not a rate item) in the tariff which contains a complete list of such articles, or contains reference to the MF-I.C.C. number of a separate tariff (not a rate tariff) containing such a list of articles. Example: "Packing-house products, as described in Item _____, or successive issues thereof," or "Packing-house products, as described under heading 'Packing-house products' in MF-I.C.C. No. _____, supplements thereto or successive issues thereof." Such reference to a separate item or tariff may not be made unless a definite and complete list of the articles under the same generic term is shown in the item or tariff to which reference is thus made.

A separate tariff, not containing rates, may be filed by a carrier or an agent, showing lists of the commodities and minimum quantities, on which rates published by reference to generic terms will apply, and rate tariffs may be made subject thereto as provided above. The title page of such separate publication shall contain the following: (a) In large type the words, "List of commodities upon which rates are provided in tariffs making reference hereto," and (b) in smaller type, "This tariff may be used only in connection with tariffs making specific reference hereto by MF-I.C.C. number." In the separate publication, the generic terms shown must be the same as those used in the tariffs making reference thereto and under each heading the different commodities shall be alphabetically arranged. Except as provided in rule 13 (e), a separate publication issued for the purpose of publishing generic lists shall contain no information other than that authorized in this rule. Only one such publication may be in effect at any time in a carrier's or agent's file and it shall list only generic terms which refer to 10 or more commodities, otherwise the tariff of rates shall specify each commodity upon which the rates therein apply. A tariff of rates may not refer to another tariff of rates for lists of commodities.

(f) *Commodity rates must be specific.* When commodity rates are established, the description of the commodity must be specific and the rates thereon may not be applied to analogous articles. As far as possible uniform commodity descriptions should be used in all tariffs.

If a commodity rate (distance or otherwise) is published, such commodity rate, except as otherwise provided in these rules, is the applicable rate and the only rate that may be applied from and to the same points over the route or routes over which the commodity rate applies, even though a class rate (except as provided in this rule and rules 4 (k) and 8) may make a lower charge.

Different rates based on different minimum quantities may be published, provided the lowest charge resulting from any such rate applied in connection with its published minimum (or actual quantity shipped, if greater) is made applicable by publishing such rates in the same item or in different columns on the same page and by providing in connection with such items or rate columns a rule to the effect that the lowest charge obtainable under the different rates and minima applicable thereto (or actual quantities, if greater) will be applied.

Commodity rates may be established on different articles for mixed truckload or mixed quantity shipments. Minimum quantities shall be specified together with a statement in connection with the commodity description that the rates apply in mixed truckload or mixed quantity shipments. Such rates may also be made applicable upon straight shipments of one or more or all of the articles by a

provision to that effect in connection with the commodity description. When more than one article is included in an item or commodity description the tariff shall specifically state whether or not the rates apply on straight or mixed shipments or both.

When because of differences in minimum weights, package requirements, mixed quantity provisions, or other conditions the charges accruing under commodity rates result in higher charges than those accruing under the class rates published in other tariffs, provision may be made in a tariff containing commodity rates only, for the alternation of such rates with class rates published in not more than three other tariffs, provided that the commodity tariff contains specific reference to the MF-I.C.C. number or numbers of the class tariffs and shows in connection with each MF-I.C.C. number a complete description of the origin and destination territory shown in that tariff. The following notation must be shown in the commodity tariff under the application of rates:

If the charges accruing under the class rates published in the following tariffs, including supplements to or successive issues thereof, from and to the same points via the same routes are lower than the charges accruing under the commodity rates published in this tariff, the lower charges resulting from such class rates will apply. (Here show MF-I.C.C. numbers of the class tariffs and the required description of each).

If a commodity tariff contains only a few rates which result in higher charges than would accrue under the class rates the reference to the class tariffs prescribed herein should be shown immediately in connection with such commodity rates or may be shown in a separate item shown under an appropriate heading and reference to such item shown immediately in connection with the commodity rates.

Great care should be exercised in describing the scope of the class tariffs in order that users of the commodity tariff may determine without examining the class tariffs, which of such class tariffs is to be used in connection with any commodity rate. It also should be understood that the alternative application of commodity rates in one tariff with class rates in another tariff should be resorted to only where there is real necessity therefor and that wherever possible the commodity rates should be revised so that they will not exceed the class rates between the same points.

The continuance of the authority to alternate rates in a commodity tariff with class rates in not more than three (3) other tariffs as contained in the three paragraphs immediately preceding this paragraph will depend upon the progress made by carriers in revising commodity rates in order to avoid unnecessary alternations, and upon the accuracy used in describing the class rate tariffs.

(g) *Tariff must contain all rates on same commodities.* A tariff naming rates on a single commodity, or a group of related commodities, shall contain all of the commodity rates (other than distance or mileage rates; however, such tariffs may contain distance or mileage rates) on the same commodity or commodities published to apply for the same carriers from and to points in the same origin and destination territory except that, when only local commodity rates are named in a tariff published by or for a carrier, that carrier may also participate in tariffs of other carriers naming rates from or to points on the line of the issuing carrier and may participate in not more than one agency issue naming rates on the same commodity or commodities between points or over routes not covered by carrier's issues.

A general commodity tariff or a combined class and commodity tariff shall contain reference to any other tariffs published by the same carrier or agent in which rates on other commodities are published from any point of origin to any point of destination named therein over the same route. Such reference shall include the MF-I.C.C. number or numbers of such other tariff or tariffs with a description of the commodities and territory or points of origin and of destination. The reference shall be shown in a separate list arranged alphabetically by commodities immediately following the table of contents. For example, "For rates on textiles from ----- to -----, see MF-I.C.C. No. ---- of -----, Agent."

(h) *Conflicting or duplicating rates prohibited.* The publication of class or commodity rates which duplicate or conflict with the rates published in the same or any other tariff over the same route is not permissible, and except as otherwise authorized in these rules, the publication of a statement in a tariff to the effect that the rates published therein take precedence over the rates published in some other tariff, or that the rates published in some other tariff take precedence over or alternate with the rates published therein, is hereby prohibited.

(i) *Through rate applies.* When a carrier or carriers establish a local or joint rate for application over any route from point of origin to destination such rate is the applicable rate of such carrier or carriers over the authorized route, notwithstanding that it may be higher than the aggregate of intermediate rates over such route.

(j) *Proportional rates.* Tariffs containing proportional rates must clearly and definitely show the application thereof. If a proportional rate is intended for use on traffic destined to a restricted territory, such territory should be clearly defined. For example, a tariff naming a proportional rate to St. Louis, Missouri, intended for use on traffic destined to points in Kansas, shall state that the proportional rate applies only for the purpose of constructing rates on

traffic destined to points in Kansas. If the application of a proportional rate is not restricted, such proportional rate will be usable in connection with any other applicable rates from or to the proportional rate point. A statement that proportional rates apply from (or to) points from (or to) which no through rates are published must not be used, as such a statement is not sufficiently definite to restrict the application of the rates and such proportional rates could not in any event be applied on traffic on which applicable through one factor rates are published. However, proportional rates may be published to apply only on traffic from or to (or from and to) points on the line or lines of a particular carrier or carriers. It is not permissible to include a provision in a tariff to the effect that proportional rates will be stated percentages of other rates.

Export, import, coastwise, and inter-coastal rates, when so designated, whether class or commodity, take precedence over other rates (either class or commodity) between the same points, over the same route, on export, import, coastwise, or intercoastal traffic, as the case may be, and tariffs containing such rates must so provide.

(k) *Intermediate application of rates.* On and after April 1, 1942, tariffs containing rates of regular route carriers may provide for the application of class or commodity rates from or to intermediate points on the lines of such carriers by incorporating in such tariffs the rule or rules set forth below, or in rule 4 (m), subject to the limitations contained herein. An intermediate point rule may not be published which will result in establishing from or to an intermediate point a joint rate from or to a more distant point unless the tariff naming the rate from or to the more distant point contains specific routing instructions or refers to a routing guide containing such routing instructions. (See rule 5.)

The wording of the rules shall not be varied. Tariffs may, however, by appropriate provision published in connection with any of such rules, provide that it will apply only in connection with the rates or routes making reference thereto, or may provide for the nonapplication of any such rule to particular rates or routes.

The rules applicable in connection with commodity rates shall read as follows:

Commodity rates applicable from intermediate points. When any point of origin is not provided in this tariff with a commodity rate on a given article to a particular destination over a particular route, and such origin is between the considered destination and a point from which a commodity rate on the article is published herein over the same route to such destination, apply on such article the commodity rate from the next more distant point from which a commodity rate is named thereon over the consid-

ered route through the intermediate point, except as provided in notes 1, 2, 3, and 4.

NOTE 1: When, by reason of branch or diverging routes, there are more than one more-distant points from which commodity rates on the article to the considered destination are named herein, apply the rate from the more-distant point which, on that article to the same destination over the same route, results in the lowest charge.

NOTE 2: If the intermediate point is located between two points from which commodity rates on the same article are published in this tariff to the same destination over the same route, apply that one of such rates which results in the higher charge. If, due to branch or diverging routes, there are two or more next more-distant points in the same direction, only that one of such points from which the lowest charge results will be considered in applying the provisions of this note.

NOTE 3: If the class rate on the same article to the same destination over the same route from the intermediate point produces a lower charge than would result from applying the commodity rate under this rule, such commodity rate will not apply.

NOTE 4: If there is in any other tariff a commodity rate (not made by use of an intermediate-point rule) published for account of the same carrier or carriers on the same article from the considered intermediate point, applicable to the same destination over the same route, the provisions of this rule will not be applied from such intermediate point.

Commodity rates applicable to intermediate points. When any point of destination is not provided in this tariff with a commodity rate on a given article from a particular origin over a particular route, and such destination is between the considered origin and a point to which a commodity rate on the article is published herein over the same route from such origin, apply on such article the commodity rate to the next more-distant point to which a commodity rate is named thereon over the considered route through the intermediate point, except as provided in notes 1, 2, 3, and 4.

NOTE 1: When, by reason of branch or diverging routes, there are more than one more-distant points to which commodity rates on the article from the considered origin are named herein, apply the rate to the more-distant point which, on that article from the same origin over the same route, results in the lowest charge.

NOTE 2: If the intermediate point is located between two points to which commodity rates on the same article are published in this tariff from the same origin over the same route, apply that one of such rates which results in the higher charge. If, due to branch or diverging routes, there are two or more next more-distant points in the same direction, only that one of such points to which the lowest charge results will be considered in applying the provisions of this note.

NOTE 3: If the class rate on the same article from the same origin over the same route to the intermediate point produces a lower charge than would result from applying the commodity rate under this rule, such commodity rate will not apply.

NOTE 4: If there is in any other tariff a commodity rate (not made by use of an intermediate point rule) published for account of the same carrier or carriers on the same article to the considered intermediate point, applicable from the same origin over the same route, the provisions of this rule will not be applied to such intermediate point.

(l) [Omitted.]

(m) **Class rates from and to intermediate points.** Class rates should be provided between practically all points and there appears little occasion for the employment of intermediate-point rules in connection with class rates except for the purpose of establishing rates from and to new points. For this purpose only the following clause may be shown in tariffs for use in connection with class rates.

The rule applicable in connection with class rates shall read as follows:

Class rates from and to intermediate points. From or to any point not named in this tariff which is intermediate to a point from or to which class rates are published herein through such unnamed point, the class rate published herein over the same route from or to the next more-distant point will be applied.

(n) **"From" and "to" rules may apply in connection with same rate.** When the rules providing application "from" and "to" intermediate points are both shown in connection with any class or commodity rate, they establish class or commodity rates from intermediate points of origin to intermediate points of destination on such classes or commodities. Unless otherwise provided in the tariff, intermediate application rules establish rates from or to intermediate points on the routes of carriers parties to the tariff without regard to the concurrence forms and numbers under authority of which carriers are shown as participating carriers.

RULE 5. ROUTING

5. (a) **Routing.** On and after April 1, 1942, all tariffs containing joint rates shall specify routing over which such rates apply, stated in such manner that such routes may be definitely ascertained. This must be accomplished, insofar as may be practicable, by providing that the rates in the tariff apply only over the routes specifically shown therein.

The above rule has reference to the names of carriers and transfer points via which such joint rates apply, and does not mean that highway numbers must be shown.

(b) **Routing guide.** Instead of showing in rate tariffs the routes over which rates apply, such routes may be published in a separate publication (or publications) filed with this Commission either by a carrier or by an agent, provided specific MF-I.C.C. reference be made in the rate tariff to such publication. Such a separate publication may be designated as a "Routing Guide," and may be used only in accordance with the provisions of the following paragraphs of this section.

When it is desired to refer to a routing guide or guides for all of the routes, the following notation shall be used:

The rates herein apply only over the routes of the carriers parties to this tariff specified in MF-I.C.C. No. —, sup-

plements thereto or successive issues thereof.

When it is desired to refer to a routing guide or guides for routes in connection with some but not all of the rates in a tariff, or for routes for account of some but not all of the carriers parties to the tariff, an appropriate notation shall be used. When it is desired to provide that certain rates published in a tariff will not apply over all the routes shown in a routing guide to which the rate tariff is made subject, the rate tariff shall show clearly what routes in the routing guide are not applicable, or are the only routes applicable, as the case may be, in connection with such rates.

When a tariff which refers to a routing guide also shows routes, it shall show clearly whether the routes named therein are in addition to the routes shown in the routing guide or are the only routes over which the rates making reference to such routes will apply. No one rate may be made subject to more than one routing guide for account of any initial carrier except that interterritorial rates may be made subject to one guide for each of such territories in which such a guide is published for that territory alone.

(c) **Form of routing guide.** A routing guide shall contain three sections containing (1) an alphabetical list of all of the points from and to which routes are provided, with the name of the carrier serving each point, together with an index number for each of such points; (2) a table indicating the points from which routes apply, the points to which routes apply (or between which routes apply), and the numbers assigned in the routing guide to routes provided from and to (or between) such points; and (3) a table containing all such route numbers in numerical order with a full explanation thereof together with names of the interchange (transfer) points.

The names of the points from, to, or between which routes are provided shall be shown in section 2, arranged in geographical order by carriers, unless names of points, arranged in geographical lists by carriers, are included in section 1 of the guide.

(d) A routing guide must be concurred in by all carriers over whose lines routes are provided therein. Such guides shall not contain exceptions to the routes provided therein. All exceptions thereto, if any, shall be published in the tariffs making reference thereto.

Routing guides shall show on their title pages the following notation:

The routes provided herein may be used only in connection with rates made subject thereto by specific MF-I.C.C. reference to this guide in the tariffs containing such rates. Its use in connection with any tariff is restricted to the carriers and to the application provided in such tariff.

If desired, the following tariff provision may be incorporated under the heading "Routing Instructions" in rate tariffs:

The rates named in this tariff will apply only over the routes and through transfer points authorized herein except that when in the case of pronounced traffic congestion (not an embargo), detours or other similar emergency, or through carriers' error, carriers forward shipments by other transfer points of the same carriers or over the lines of other carriers parties to the tariff, the rate specified in this tariff (but not higher than the rate applicable over the actual route of movement) will be applied.

NOTE: If desired, the words "or over the lines of other carriers parties to the tariff" may be omitted from the emergency routing clause.

RULE 6. SUPPLEMENTS

6. (a) *Amendments and supplements.* When it is desired to make changes in the rates, ratings, rules, or other provisions of a tariff, other than a loose-leaf tariff, this may, except as provided in section (d) of this rule, be accomplished by issuing a supplement to the tariff constructed generally in the same manner as is the tariff which it supplements.

The first supplement to a tariff shall be designated on the upper right-hand corner of the title page as follows:

Supplement No. 1
to
MF-I.C.C. No.-----

Subsequent supplements shall be numbered consecutively in like manner. Each supplement shall specify on its title page, immediately under the supplement number and MF-I.C.C. number of the tariff supplemented, the publications which the supplement cancels, and shall also specify the supplements that are in effect. The statement that the supplement cancels conflicting portions of the tariff or prior supplements shall not be used; cancellations must be specific.

The matter contained in each supplement shall be arranged in the same general manner and order as in the tariff which it amends and when points in a tariff are given index numbers the same index number must be assigned to the same point in all supplements to the tariff.

(b) *Participating carriers; how shown in supplement.* A supplement shall contain either a list of carriers participating in the tariff as amended or shall state that the list of participating carriers is "as shown in tariff," or "as shown in tariff and effective supplements," to which may be added "except (here show corrections in, additions to, or eliminations from the original list that are effected by that supplement)." Changes in or additions to the list of participating carriers in the tariff or previous supplements shall be listed alphabetically as provided in rule 3 (b).

When a participating carrier is eliminated by supplement, such supplement must also provide for cancellation of rates in connection with that carrier. This cancellation of rates should be accomplished by amending the individual items or provisions affected or by the publication of a blanket cancellation notice specifically indicating that all rates in the tariff applying for account of the carrier are canceled.

(c) *Index to supplement.* A supplement of 5 or more pages must be properly indexed, and a supplement of more than 23 pages must also contain a table of contents. In view of the provision of rule 9 (e) which requires that cancellation in a supplement of a numbered item must be made under the same item number as is given to that item in the tariff, and the requirement of section (a) of this rule, which provides that the index number assigned to a point in a supplement must be the number assigned to that point in the tariff, the table of contents and indexes in a supplement of 5 or more pages need not contain entries which are shown in the table of contents or indexes in the tariff, provided that, in connection with the index of points of origin (or destination), the following notation shall be shown:

The index numbers of points in this supplement correspond with the index numbers of the same points shown on pages ----- to -----, inclusive, of the tariff, with the following additions and exceptions.

The table of contents to such a supplement may be omitted if rule 3 (a) does not require the tariff to which the supplement is issued to contain a table of contents.

(d) *Number of supplements effective at any time.* Except as otherwise authorized in these rules, tariffs of 4 pages or less may have no supplement; not more than 1 supplement may be in effect at any time to a tariff containing 5 and not more than 16 pages; not more than 2 supplements may be in effect at any time to a tariff containing 17 and not more than 80 pages; not more than 3 supplements may be in effect at any time to a tariff containing 81 and not more than 200 pages; and not more than 4 supplements may be in effect at any time to a tariff containing more than 200 pages.

Except as otherwise authorized in these rules, tariffs containing 5 and not more than 12 pages may have not more than 4 pages of supplemental matter, and tariffs containing more than 12 pages may have supplemental matter aggregating not more than 33 1/3 percent of the number of pages in the tariff except that if the number of pages in the supplement which brings the volume of matter up to that authorized by the rule is not evenly divisible by 4, it may exceed the volume authorized to the extent necessary to bring the number

of pages of such supplement to the next multiple of 4. The smallest of 3 effective supplements to a tariff of more than 80 but not more than 200 pages shall contain not more than 8 pages, and the smallest of 4 effective supplements to a tariff of more than 200 pages shall contain not more than 16 pages.

(e) *Additional supplement to establish rates, under rule or order of Commission.* Except in the case of loose-leaf tariffs and tariffs containing less than 13 pages, one additional supplement may be issued to any tariff without regard to the requirements of section (d) of this rule for the purpose of establishing rates, classifications, rules, and other provisions in compliance with a decision or order of the Commission in a formal case. Only one such supplement may be in effect at any time and may contain no other matter.

If the volume of supplemental matter is not exceeded by the issuance of such additional supplement it shall bear on its title page the following notation in addition to showing reference to the opinion, or order, as the case may be:

This supplement is issued under authority of rule 6 (e), Tariff Circular MF No. 3, and will be included in and canceled by the next regular supplement filed to this tariff.

The next regular supplement filed shall bring the number of effective supplements within the requirements of section (d) of this rule.

If the volume of supplemental matter is exceeded by the issuance of the additional supplement authorized by this rule, the next regular supplement filed shall bring the volume of supplemental matter within the requirements of section (d) of this rule, and, further, the volume of supplemental matter shall be brought within the requirements of that rule by the issuance of a new supplement filed within 120 days from the effective date of the additional supplement, or a new issue of the tariff shall be filed within that period.

Such additional supplement, in addition to showing reference to the opinion or order as the case may be, shall bear on its title page a notation in substantially the following form:

This supplement is issued under authority of rule 6 (e), Tariff Circular MF No. 3. It will be canceled by a new supplement or the tariff will be reissued, the new supplement or tariff to be filed on or before (here name a date which will observe the period of time provided above).

(f) *Supplement to tariff that is filed and not yet effective.* In an instance where a tariff is filed on statutory notice canceling another tariff and it is desired to issue a supplement to the tariff to be canceled, effective prior to the effective date of the new tariff, a supplement may be issued which makes the same changes in or additions to both tariffs and which is indicated as a supplement to both the

tariff to be canceled and the canceling tariff (being given supplement numbers running in proper sequence to both MF-I.C.C. numbers). In other words, such a supplement shall be numbered and treated as a supplement both to the old and new tariffs and shall be filed and posted as such. The matter contained in such a supplement shall be confined to additions or to changes in rates or provisions which were brought forward in the new tariff without change. It is not required that the provisions of section (d) of this rule be observed in connection with such a supplement to the old tariff, but only one such supplement may be in effect at any time.

If the matter to be changed is not arranged or numbered in the same way in both tariffs, the changed provision shall be shown in the proper manner to indicate the change made in the old tariff, and also to indicate the change in the new tariff. For example, if the changed provision is indicated as item 40-B in the old tariff and as item 50 in the new tariff, the amended provision shall be shown as follows:

Item 40-C cancels Item 40-B of MF-I.C.C. No. ----.

Item 50-A cancels Item 50 of MF-I.C.C. No. ----.

Rates or other provisions may be changed upon lawful notice by supplement effective on or after the general effective date of the tariff supplemented, provided the matter amended has been in effect for 30 days or more either in the supplemented issue or in a former issue. Where such matter was in effect in a former issue, a notation in connection with the revised matter, shall show that it has been in effect 30 days or more. Example: "Item 40-A cancels Item 40. Item 40, effective ----, brought forward without change from Item No. ---- of MF-I.C.C. ---- (former issue)". Rates or provisions which effect changes in rates or provisions not contained in either the former tariff or a reissue thereof may be established upon lawful notice by supplement to such new tariff, effective not earlier than the general effective date of the tariff, by showing in the following manner, in connection with the new rates or provisions that the rates or provisions previously applicable have been in effect 30 days or more in a different issue. Example: "Addition. Changes class rates which became effective ---- in MF-I.C.C. No. ----." Unless the provisions of this paragraph are complied with no supplement to a tariff that has been filed and has not become effective may be issued to become effective within 30 days from the effective date of the tariff without special permission.

This rule does not waive the requirements of rule 20.

RULE 7. AMENDMENTS

7. (a) *How made.* Any change in or addition to a tariff shall be known as an

amendment. Amendment of a bound tariff shall be made by reissue of the tariff or by issue of a supplement as provided in rule 6. Amendment of a loose-leaf tariff shall be made by reissue of the tariff or of a page or pages as provided in section (f) of this rule. (See also rules 10 (g), 16, and 19).

When an amendment is made in a numbered item or other unit in a supplement, such item or other unit shall be published in the supplement in its entirety as amended. When rates or other provisions are published in numbered items, cancellation shall be made as prescribed in rule 9 (e). When rates or rules are published in numbered units other than items, the supplement changing the rates or other provisions shall specifically provide for the cancellation of such matter by reference to the page of the tariff and number of the rule or other unit which it cancels. Numbered units other than items shall not be given suffix letters when amended. When such a change is made in matter previously published in a supplement in a numbered unit other than an item, the new supplement shall also give reference by number to the previous supplement.

In any instance where matter is not published in a numbered unit, the changed provision shall be published in the supplement in its entirety and reference shall be made to the page or pages of the tariff on which the matter to be canceled is shown clearly indicating the matter which is canceled. If the matter to be amended has been amended by a previous supplement, specific cancellation shall be made of the corresponding matter in the "tariff as amended" and specific reference shall be made by number to the page or pages of the previous supplement containing the matter to be changed, and, when corresponding matter originally was effective in the tariff, to the page or pages of the tariff formerly containing the matter amended.

(b) *Changes indicated.* All tariff publications shall indicate changes made in existing rates, charges, classifications, rules or other provisions by use of the following uniform symbols in connection with such change:

- ↓ or (R) to denote reductions.
- ◆ or (A) to denote increases.
- ▲ or (C) to denote changes in wording which result in neither increases nor reductions in charges.

Explanation of such symbols shall be provided (see rule 3 (e) in the publication in which they are used, and these symbols shall not be used for any other purpose.

When a change of the same character is made in all or in substantially all rates in a tariff or supplement, or a page thereof, that fact and the nature of such change may be indicated in distinctive type at the top of the title page of such issue, or at the top of each page, as the case may be, in the following manner:

"All rates in this issue are increases"; or "All rates on this page are reductions"; or there may be added, when appropriate, "except as otherwise provided in connection with particular rates." In complying with this paragraph, a bold-faced dot "●" shall be used to symbolize a rate or other provision in which no change has been made and the proper symbol shall be used for the purpose of denoting any other change not indicated by the general statement referred to above.

(c) *Omissions from previous tariff.* When a tariff or supplement canceling a previous issue omits points of origin or destination, routes, rates, ratings, rules, or other provisions contained in the previous issue, the new tariff or supplement shall indicate the cancellation in the manner prescribed in section (a) of this rule, and if such omission effects changes in charges or services that fact shall be indicated by the use of the uniform symbols prescribed in section (b) of this rule.

(d) *Notation; matter (part) established on short notice.* Every publication which consists partly but not wholly of matter established upon less than statutory notice shall show in connection with each change made effective on less than statutory notice a notation that such matter is issued on ---- days' notice under authority of (here give specific reference to the special permission, decision, order, rule, or other authority).

(e) *Reissued matter.* Matter brought forward without change from a tariff which has not been in effect 30 days, also matter brought forward without change from one supplement to another, must be designated "Reissued" in distinctive type and must show the original effective date and the number of the supplement or tariff from which it is reissued; or must be uniformly indicated by the letter **T** in a square when reissued from another tariff or from a supplement to another tariff and by numerals, commencing with 1, in squares when reissued from a prior supplement to the same tariff, printed in distinctive type and shown in a conspicuous manner, and the explanation thereof must be made in the tariff or supplement in which the symbols are used. Example: "**T** Reissued from MF-I.C.C. No. ----, (or Supplement No. ----, to MF-I.C.C. No. ----), effective ---- (date upon which item became effective in former tariff or supplement to another tariff)." "**1** Reissued from Supplement No. 1, effective ----," and so on numerically, the figures of the symbols representing the number of the supplement to the same tariff from which the reissued item is brought forward. If items in a tariff or supplement are made effective on dates other than the general effective date shown on the title page, reissue of such items may be indicated in later publications

by showing a letter suffix or other symbol in connection with, and as a part of, the letter **T** or the numerals in squares as herein authorized. If the reissued items have become effective in a supplement to another tariff, the MF-I.C.C. number of that tariff shall also be given.

The letter **T** in a square and numerals commencing with **1** in a square shall not be used as reference marks or symbols for any other purpose in any tariff or supplement.

(f) *Loose-leaf tariffs.* Amendment of loose-leaf tariffs shall be made by re-printing the page upon which a change or addition is made, and such changed page shall be designated as a revised page. For example, "First Revised Page 1 cancels Original Page 1", or "Second Revised Page 2 cancels First Revised Page 2", etc. When a revised title page is issued, the following notation shall be shown in connection with and immediately under the effective date:

Original tariff effective (here show effective date of the original tariff).

If, on account of expansion of matter on any page, it becomes necessary to add an additional page in order to take care of the additional matter, such additional page (except when it follows the final page) shall be given the same number with a letter suffix; for example, "Original Page 4-A", "Original Page 4-B", etc. If it is necessary to change matter on original page 4-A, it may be done by issuing first revised page 4-A, which shall indicate the cancelation of original page 4-A.

When a revised page is issued which omits rates, rules, or other provisions previously published on the page which it cancels, and such rates, rules, or provisions are published on a different page, the revised page shall make specific reference to the page on which the rates, rules, or provisions will be found, and the page to which reference is so made shall contain the following notation in connection with such rates, rules, or other provisions, etc.:

For (here insert rates, rules, other provisions, etc., as case may be) in effect prior to the effective date hereof see page —.

Subsequently revised pages of the same number shall omit this notation insofar as this particular matter is concerned.

If, after a loose-leaf tariff has been filed with the Commission, it is desired to file additional pages at the end of the tariff they shall be numbered consecutively with the last page of the tariff, and shall be designated as original pages. For example, when the tariff as filed has 150 pages, page 151 when filed shall not be designated as an "Additional" page but shall be designated as "Original Page 151". Such a page may be filed only for the purpose of adding new provisions which do not change the rates, rules, or provisions on other pages of the tariff.

One of the following methods shall be used in identifying and checking revised pages filed for the purposes of amending loose-leaf tariffs:

(1) When the original tariff is filed, the page next to the title page shall be designated as "check sheet" which shall show the number of pages contained in the tariff. When pages of the tariff are revised or when new pages are added, the check sheet shall be correspondingly revised to include the amended and added pages. The revised check sheet listing the added or revised pages shall accompany such pages when forwarded to the Commission for filing; or

(2) Instead of a revised check sheet issued each time revised pages are filed, such revised pages may show, in the lower left-hand corner, correction numbers running in consecutive order beginning with No. 1, all revised pages issued and filed at the same time being given the same correction number. If this method is adopted, a permanent check sheet containing in numerical order a list of correction numbers beginning with No. 1 shall be filed with the original tariff in order to permit the checking of correction numbers on this sheet and thus to maintain a permanent record by number of all corrections received.

Changes shall be indicated as required by section (b) of this rule. Items which have been in effect 30 days or more need not be shown as reissued items on revised pages but may be republished as effective on 30 days' notice. Items which have not been in effect 30 days when brought forward on revised pages shall be shown as reissued in the manner prescribed in section (e) of this rule.

When protective covers for loose-leaf tariffs are used, only such information should appear thereon as will remain constant and in use during the life of the tariffs.

Supplements shall not be issued to loose-leaf tariffs, except for the purposes authorized by rules 10, 16, and 19.

RULE 8. SECTIONAL TARIFFS

8. (a) *Alternative use of rates in sectional tariffs.* The alternative use of rates may be provided by publishing such rates in different sections of the same tariff. The first page of each section, which shall be known as the title page of the section, shall contain the number of the section and the application of the rates published in that section. The title page of each section containing alternating rates shall also contain the following rule:

If the charge accruing under section — or — of this tariff is lower than the charge accruing under this section on the same shipment over the same route, the charge accruing under section — or — whichever is lower, will apply.

Each succeeding page of the section shall also bear the section number. Unnecessary alternation of rates must be avoided by checking the rates in one section against those in other sections and omitting rates which would clearly result in charges higher than those in other sections. Alternating reference should not be given to another section unless that section actually contains rates which alternate.

(b) Each commodity tariff arranged in sections for alternative use shall contain a nonalternating section and each class and commodity tariff similarly arranged for alternative use shall contain a commodity section which does not alternate with other sections of the tariff.

When an exclusive commodity tariff is issued under authority of this rule, Section 1 of the tariff shall not have alternative application with other sections. In the portion of the tariff containing rules, under the heading "Application of Rates," the following shall appear:

The rates in section 1 are specific commodity rates and do not alternate with rates in other sections of the tariff. See application of that section.

The title page of section 1 shall contain the following notation:

When rates are published in this section on the commodity transported from point of origin to destination, rates named in this section will apply regardless of rates between the same points, over the same routes, published in other sections.

The title page of each other section containing commodity rates shall contain the following notation preceding that prescribed in section (a) of this rule:

When rates are published in section 1, the rates named in this section on the same commodity from and to the same points, over the same route, will not apply.

(c) *Position of sections.* When both class and commodity rates are published in separate sections of a tariff, under authority of this rule, the class rates shall be published in a section preceding the commodity sections. Commodity rates which do not alternate with the rates in other sections shall be published in the first commodity section. Under the heading of "Application of Rates," in the rules portion of the tariff, the following notation shall appear:

The rates in section 2 are specific commodity rates and do not alternate with rates in other sections of the tariff. See application of that section.

The title page of the nonalternating commodity section shall contain the following notation:

When rates are published in this section on the commodity transported from point of origin to destination, rates named in this section will apply regard-

less of rates between the same points, over the same routes, published in other sections.

The title page of each other section containing commodity rates shall also contain the following notation preceding that prescribed in section (a) of this rule:

Where rates are published in section 2, the rates named in this section on the same commodity from and to the same points, over the same route, will not apply.

(d) *Restrictions, publication of alternating rates.* Publication of alternative rates in different sections of a tariff is subject to the following restrictions:

(1) Only one alternation of class rates against class rates may be provided, and not more than two alternating sections of commodity rates, which may alternate with each other, will be permitted;

(2) Rates published in another tariff may not be reproduced for alternative purposes;

(3) One section of a tariff may not alternate with more than three other sections;

(4) Except as otherwise authorized in rule 4 (f), a rate in one section may not alternate with a rate in the same section; and

(5) Alternating sections may not be subdivided.

A tariff which, as originally filed, does not contain alternating sections may not be changed into one with alternating sections except by reissue; nor may another section be added by supplement to a tariff already containing alternating sections.

RULE 9. TRANSFER OF RATES: ITEM ADJUSTMENT

9. (a) *Transfer of rates from one tariff to another.* If a tariff or supplement to a tariff or a revised page is issued which cancels another tariff in part only, such tariff, supplement, or revised page shall specifically state the portion of such other tariff which is thereby canceled, and the tariff to be canceled in part shall at the same time be correspondingly amended, effective on the same date, in the regular way; that is, by reissue if tariff contains four pages or less, by reissue or supplement if tariff contains more than four pages, and by revised pages if tariff is a loose-leaf tariff. Such reissue, supplement, or revised page of the tariff canceled in part shall state where rates will thereafter be found and shall be filed at the same time and in connection with the tariff or supplement which contains the new rates. Cancellation notice on the title page of the new issue shall read substantially as follows: "Cancels MF-I.C.C. No. -----, to the extent shown in Supplement No. ----- thereto."

(b) *Cancellation when tariff reissued.* If a tariff is canceled in full by another tariff, cancellation notice may be printed

in the canceling tariff, as provided in rule 2 (b), or the cancellation may be accomplished by issuing a supplement to the tariff to be canceled. When a tariff is canceled by a supplement under this rule, such supplement shall refer to the MF-I.C.C. number of the tariff in which the rates or other provisions will thereafter be found. The new issue and the cancellation supplement shall be made effective on the same date, and the new issue shall contain a cancellation notice reading substantially as follows: "Cancels MF-I.C.C. No. -----, to the extent shown in Supplement No. ----- thereto."

When a tariff is canceled in full by another tariff which does not contain all of the rates superseding those formerly in the canceled tariff, the canceling tariff shall show where rates not appearing therein will thereafter be found, or what rates thereafter will apply. For example: "Rates formerly published in MF-I.C.C. No. ----- and not appearing herein are published in MF-I.C.C. No. ----- of -----," or it may be stated that such rates are canceled and that "Class rates will apply," or "Combination rates will apply." (See rule 7 (c).)

When the rates which are not brought forward in the canceling issue are transferred to another tariff or tariffs, such publication or publications shall show directly in connection with the rates appearing therein for the first time where such rates were formerly published, shall state that such formerly published rates were canceled by MF-I.C.C. No. -----, effective ----- (Here show reference to the tariff which canceled the rates.)

When a tariff is canceled in full and numerous rates are transferred to two or more other issues, cancellation of the superseding issue may be made by supplement thereto, in which event each of the superseding issues shall show the notation in paragraph (a) of this rule and the canceling supplement shall specifically indicate the rates or provisions thereafter to be published in each of the superseding issues, and shall state that the issue supplemented thereby is canceled in full.

When a joint agency tariff is to be canceled in full and the rates therein are to be transferred to an agency tariff not issued by the same joint agents, the cancellation shall be accomplished by supplement. The canceling supplement shall give reference by MF-I.C.C. number and name of agent, or agents, to the tariff in which future rates will be found, and the new tariff shall show that rates from and to the points named therein were formerly published in MF-I.C.C. No. ----- (here show the MF-I.C.C. numbers and names of agents appearing on the joint agency tariff that is canceled by the supplement required in this paragraph).

(c) *Cancellation notice must be by supplement.* If a tariff is canceled with the purpose of discontinuing the rates named therein, or when, through error

or omission, a tariff failed to cancel the previous issue and such previous tariff is canceled for the purpose of perfecting the records, the cancellation notice shall not be given a new MF-I.C.C. number, but shall be issued as a supplement to the tariff (including loose-leaf tariffs) which it is desired to cancel. In the issuance of such supplement the provisions of rule 6 (d) need not be observed.

When any tariff is canceled in whole or in part by a supplement thereto, the supplement shall show where the rates will thereafter be found or what rates will thereafter apply.

A tariff canceling more than one tariff in whole or in part shall include a brief description of such tariffs.

(d) *Transfer of rates from carriers' to agents' tariff and from agents' to carriers' tariff.* An agent, when publishing rates in his tariffs which are to supersede the rates in his principals' tariffs, shall cancel the rates in his principals' tariffs as directed in section (a) or section (b) of this rule, as the case may be. When cancellation of rates in the individual issue is made by supplement thereto in pursuance to this rule, such supplement must be issued by the individual carrier.

A carrier may not publish in its individual tariff rates which are to supersede the rates published in a tariff of a duly authorized agent unless the tariff is accompanied by a supplement issued by the agent canceling the rates in his tariff effective on the same date, and indicating where rates superseding those canceled will thereafter be found.

As a concurrence does not confer authority upon either a carrier or an agent to cancel tariffs of the concurring carrier, tariffs issued under concurrence may not assume to cancel tariffs of concurring carriers. Such cancellations shall be made by the carrier or agent who issued the tariff which is to be canceled, but the tariff or supplement containing the provisions formerly published in the issue of the concurring carrier may bear a notation stating where such provisions were formerly published.

(e) *Definition of items.* The rates, rules, regulations, or other provisions of a tariff may, for convenience, be divided into relatively small and distinct portions which may be given individual numbers and designated "Items." The numbers of items as published in an original tariff should run in regular sequence but need not be consecutive; for example, items may be numbered 5, 10, 15, 20, etc. Only one series of item numbers may be used.

When any provision contained in an item, other than those contained in a classification, is amended, the revised item showing the amended provision shall be given the same item number with a letter suffix; for example: Item 40-A cancels Item 40; Item 40-B cancels Item 40-A; and so on.

When any rate or provision contained in an item designated by an item number is amended, resulting in the cancellation of all or a portion thereof, the

canceled matter shall not be reproduced in the new item effecting the cancellation except to the extent necessary to identify the item.

If an item is withdrawn in its entirety, or expires by its own terms, leaving no rates or provisions in effect in that item, a statement of the cancellation or expiration shall be brought forward in subsequent supplements as a reissued item, bearing the same item number and the appropriate letter suffix.

If the matter in an item or any part thereof is transferred to another tariff or another portion of the same tariff, the original item shall be revised (being given the same number with proper letter suffix) in order to show the revised provision or, when no effective provision is continued in the item, to indicate cancellation of the item, and also to show where the transferred rates or provisions will thereafter be found. For example: "Item 10-A, cancels Item 10; rates formerly appearing in Item 10, but not shown herein will be found in Item ---- (or in MF-I.C.C. No. ----)."

When the provisions of an item have been eliminated by cancellation or expiration they may not be reinstated except by republication in a revised item bearing a new number or the same number with a new letter suffix, and in either case bearing a new effective date. In other words, republication of the expired or canceled matter, except when the item is in a classification as provided in the next succeeding paragraph of this section, may be under the same item number only when the new item cancels the former item and is given the next letter suffix. For example: If the canceled item is 40-A the new item shall read "Item 40-B cancels Item 40-A."

The items in each supplement to a classification shall be numbered consecutively, commencing with Item 1 on each page, shall cancel the item superseded and shall show where the canceled item appeared; for example: Item 6 cancels Item 3, page 2 of Supplement 2; Item 10 cancels Item 1, page 2, of classification.

RULE 10—SUSPENDED MATTER

10. (a) *Supplement announcing suspension.* Upon receipt of an order suspending any publication in part or in its entirety, the carrier or agent who filed such publication shall immediately file with the Commission, and post in accordance with rule 20 a consecutively numbered supplement, which shall not bear an effective date, containing a notice of suspension specifically indicating the portion of the publication that is under suspension and the date to which such matter is suspended, also stating that rates and provisions under suspension may not be used during the period of suspension and giving specific reference by MF-I.C.C. number or numbers to the tariff or tariffs or supplements thereto or revised pages thereof in which

rates, charges, classifications, rules, or provisions respecting practices continued in effect will be found. Such supplement shall quote the portions of the order which describe the suspended matter contained in the publication, the paragraph of the order naming the date to which such matter is suspended, and the paragraph prohibiting changes in the matter continued in effect during the period of suspension.

Upon receipt of an order resuspending any publication in part or its entirety beyond the date to which originally suspended, the carrier or agent who filed such publication shall immediately issue and file with the Commission a supplement to each suspended tariff, which shall not bear an effective date, quoting in full the resuspension order and showing on the title page thereof a statement to the effect that the provisions suspended by the original suspension order in Investigation and Suspension Docket No. M----- as indicated by Supplement No. (here show the number of the supplement announcing the original suspension under the same I. & S. Docket number) are further suspended until (here show the date to which the suspended matter is further suspended, as indicated in the resuspension order).

(b) *Reissue of suspended matter to be canceled.* If, prior to the filing of the supplement announcing suspension, a carrier or agent files a later supplement which contains as reissues the matter suspended in the previous supplement, the suspension supplement required by this rule shall also specifically cancel from the later supplement such reissued matter, and by amendment to the title page of said later supplement shall eliminate the cancellation of the suspended supplement when the latter is suspended in full, and when a supplement is suspended in part shall provide that such later supplement cancels such previous supplement, except portions under suspension. Tardiness in filing supplements announcing suspension may result in the rejection by the Commission of the later supplement which cancels the suspended matter.

(c) *Reissue of effective tariff when suspended tariff is ordered canceled.* When the Commission suspends an entire tariff, any tariffs which would have been canceled by the suspended tariff are continued in effect and will remain in force during the period of suspension or until lawfully canceled or reissued. Except in the case of loose-leaf tariffs or tariffs of less than five pages, supplements to tariffs thus continued in effect containing additions to and changes in matter not sought to be changed by the suspended tariff may be filed without regard to the volume of supplemental matter which the effective supplements in the aggregate contain. If the volume of supplemental matter permitted by rule 6 (d) is exceeded under authority of this paragraph and the Commission orders the cancellation of the suspended tariff, the

volume of supplemental matter in the tariff continued in effect by such suspension shall be brought within the requirements of rule 6 (d) by supplement filed within 120 days, or such tariff shall be reissued within that time.

Suspension of portions of a tariff or of matter contained in a supplement does not authorize disregard of rule 6 (d) relative to the permissible volume of supplemental matter in and the number of effective supplements to such tariff, except that a supplement containing suspended matter will not be counted against the number of effective supplements or the volume of supplemental matter permitted to such tariff under rule 6 (d) provided the effective matter in such supplement is reissued and the supplement itself, except the suspended portions thereof, is canceled.

When a tariff (or supplement) which is suspended in part is reissued, such reissue shall cancel the tariff (or supplement) containing the suspended matter "except portions under suspension in I. and S. Docket No. M-----." If a supplement is suspended in whole or in part and the tariff is thereafter reissued, the reissue shall cancel the tariff "except portions under suspension in Supplement No. ---- (or in Item No. ---- of Supplement No. ----) in I. and S. Docket No. M-----" and, if the matter continued in effect by the suspension is contained in the tariff being reissued, such matter shall be brought forward. When a tariff which is suspended in part is reissued, such reissue shall cancel the tariff containing the matter which is continued in effect by reason of the suspension when such tariff contains no other effective matter.

(d) *No change may be made in suspended provisions nor in provisions left in effect by reason of suspension.* A suspended rate, charge, classification, rule, or provision respecting practices may not be changed or withdrawn or the effective date thereof further deferred except by order or special permission of the Commission, nor may any change be made in a rate, charge, classification, rule or provision respecting practices which is continued in effect as a result of such suspension except under order or special permission of the Commission.

(e) *When commission's order of suspension vacated.* When the Commission vacates an order of suspension effective on a date earlier than the date to which the matter is suspended, the carrier or agent who filed the suspended tariff, supplement, or revised page may file with the Commission, and post in accordance with rule 20, on not less than 1 day's notice, unless otherwise provided by the order, a supplement stating the date upon which, under authority of the vacating order, the tariff, supplement, revised page, item, rate, charge, classification, rule, or provision respecting practices will become effective. Unless the supplement announcing vacation is filed naming a date earlier than the date to which it is

suspended, the suspended matter will become effective on that date.

When an order which suspended a tariff in its entirety is vacated, the vacating supplement, if made effective on or before the date to which the tariff is suspended, may also include as reissues, any changes or additions lawfully established in supplements to the tariff which remained in effect during the period of suspension. If a new tariff is filed during the period of suspension, canceling the tariff sought to be canceled by the suspended tariff, any changes or additions published in the new tariff which are not included in the suspended tariff may be included in the vacating supplement as reissued matter, provided the vacating supplement also cancels such new tariff. When reissued matter is published in a vacating supplement the vacating notice shall be printed in not less than 10-point type, either on the title page or immediately following indexes of points and commodities, if any.

When a tariff containing suspended matter is canceled during the period of suspension, except portions under suspension, by a new tariff, and the Commission vacates its suspension order in its entirety effective on a date subsequent to the effective date of the new tariff, a supplement to the new tariff effective on not less than 1 day's notice, republishing and establishing the suspended matter and canceling the matter which was effective during the period of suspension, also canceling the matter under suspension in the former issue, shall be filed and posted in accordance with rule 20. When the Commission vacates its suspension order effective on a date prior to the effective date of the new tariff, a vacating supplement to the old tariff should be filed and posted and a supplement to the new tariff should also be filed and posted on not less than 1 day's notice, establishing therein on the effective date of such new tariff, matter which was under suspension in the old tariff. A common supplement to both tariffs as authorized by rule 6 (f) may be filed and posted upon not less than 1 day's notice to accomplish this purpose.

(f) *Cancellation of suspended matter.* When the Commission orders the cancellation of a tariff, supplement, revised page, item, rate, charge, classification, rule, or provision respecting practices previously suspended by it, the cancellation shall be effected by filing with the Commission and posting upon not less than 1 day's notice, unless otherwise provided by the order, a supplement stating the date upon which in accordance with the Commission's order said rate, charge, classification, rule, or provision respecting practices is canceled; except that, when desired, such cancellation may be accomplished in a new tariff canceling the tariff containing the suspended matter.

(g) *Notation on supplement.* Every suspension, vacating and cancelation sup-

plement issued under authority of this rule shall bear on its title page the following notation: "Issued under authority of Rule 10, Tariff Circular MF No. 3, and in compliance with order of the Interstate Commerce Commission, in Investigation and Suspension Docket No. M- _____, of _____," (Date)

Such supplements will not be counted against the number of effective supplements or the volume of supplemental matter permitted under rule 6 (d) but they must list effective supplements as required by rule 6 (a).

The provisions of this rule relating to suspension, vacating and cancelation supplements will also govern in connection with tariffs issued in loose-leaf form, except that such supplements shall not contain rates, charges, classifications, rules, or provisions respecting practices. All changes made in loose-leaf tariffs shall be published on revised pages.

Supplements issued under authority of this rule shall contain nothing except matter permitted thereunder.

RULE 11. TERMINAL AND SPECIAL SERVICES

11. (a) *Terminal and special services.* Each carrier or its agent shall publish, post, and file tariffs which shall contain in clear and explicit terms all of the rates and charges for and rules governing detention of vehicles, storage, weighing, diversion, reconsignment, icing, refrigeration, heat, C. O. D. services, transit services, absorptions, allowances, and other terminal services, and all other charges and rules which in any way increase or decrease the amount to be paid on any shipment, or which increase or decrease the value of the service to the shipper. Tariffs authorizing such services, or providing charges therefor, shall clearly show their application.

(b) *Method of publication.* The performance of special services and the charges therefor in addition to those based on line-haul rates lawfully on file with the Commission shall be provided for in one of the following three ways:

(1) by including in the tariff which contains the rates on which charges are based the specific authority for the extra service, the rules under which such extra service is to be performed, and the charge, if any, for the service; (2) by specific reference, in the tariff which contains the rates on which charges are based, to the MF-I.C.C. number of a separate publication containing the provision for such service and the charge, if any, for it; or (3) by including in the tariff which contains the rates on which charges are based, a clause providing that shipments made under the rates contained therein are entitled to the following services (naming specifically the services which will be permitted in connection with such rates) and that shipments are subject to the charges for such services, if any, of participating carriers

performing the services "as shown in tariffs lawfully on file with the Interstate Commerce Commission."

(c) *Intermediate drayage or transfer.* Joint through rates from points on the line of one carrier to points on the line of another carrier include drayage or other transfer services at intermediate transfer points, and no part of such charges may be added to the joint rates on shipments handled through and not stopped for special services at such intermediate transfer points.

All tariffs containing joint rates shall contain the following provision:

The joint rates published herein include all charges for drayage or other transfer services at intermediate transfer points on shipments handled through and not stopped for special services at such intermediate transfer points.

(d) *Pick-up and delivery service.* All tariffs containing rates for the transportation of property shall specify whether such rates do or do not include pick-up and delivery service at all points within the limits of the cities, towns, or villages from, to or between which the rates apply.

If pick-up and delivery service will be performed also in an area beyond or outside the limits of the cities, towns, or villages, from, to or between which the rates apply, such area shall be described in the tariffs.

RULE 12. DISTANCE RATES

12. (a) *Distance rates may be used when no other rates provided.* A carrier or an agent acting for a carrier or carriers, may file tariffs containing distance or mileage class or commodity rates, or both. Except as otherwise provided in these rules, distance or mileage class rates may be used only when no through class rates (other than distance class rates) are published to apply from and to the same points over the same route, and distance or mileage commodity rates may be used only when no through commodity rates (other than distance commodity rates) are published to apply from and to the same points over the same route. Except as otherwise provided in these rules, distance or mileage commodity rates will apply even though through class rates are published to apply from and to the same points over the same route.

Tariffs containing distance or mileage rates shall clearly and definitely show the application of the rates. Distance tariffs of regular route carriers shall contain an alphabetical list of points between which the rates apply and shall also show in proper arrangement the distances between such points, or shall make reference by MF-I.C.C. number to a separate tariff, constructed in accordance with one of the plans set forth in section (c) of this rule, for such list of points and distances. Tariffs of irregular route carriers naming mileage rates

may either contain a list of points served together with distances or may refer by MF-I.C.C. number to a distance guide or guides issued by such carriers or their duly authorized agents clearly and accurately indicating distances between all points served.

(b) *Notation on distance class rate tariff.* Each tariff that contains only distance or mileage class rate must bear on its title page the following rule:

Distance or mileage class rates shown herein may be used only when no commodity rates or class rates (other than distance class rates) have been published to apply from and to the same points over the same route.

Each tariff that contains only distance or mileage commodity rates must bear on its title page the following rule:

Distance or mileage commodity rates shown herein may be used only when no commodity rates (other than distance commodity rates) have been published to apply from and to the same points over the same route.

Each tariff that contains only distance or mileage class and commodity rates must bear on its title page the following rule:

Distance or mileage class rates shown herein may be used only when no commodity rates or class rates (other than distance class rates) have been published to apply from and to the same points over the same route, and distance or mileage commodity rates shown herein may be used only when no commodity rates (other than distance commodity rates) have been published to apply from and to the same points over the same route.

If distance or mileage rates without alternative application are published in a tariff which also contains rates other than distance rates, the notations for class, or commodity, or both class and commodity rates, as the case may be, prescribed by this rule shall be shown immediately in connection with such distance or mileage rates.

(c) *Local distance table must be filed.* Each regular route carrier that maintains local distance or mileage rates published in a tariff which does not contain a list of points between which such rates apply together with distances between such points shall publish, post, and file, individually or through an agent, a tariff containing a list of points served and the distances over its line between such points, arranged in one of the following four ways:

(1) Showing the distance from each point to each point.

(2) Showing the distance from each point to each transfer point with another carrier or with a branch of the same carrier.

(3) Showing the distance from each transfer point with another carrier or with a branch of its own line to each

other such transfer point, and the distance from each local point to the nearest transfer point in each direction.

(4) Until further notice, carriers may comply with this rule by including in each tariff naming distance rates a map, specially prepared and made an integral part of the tariff, indicating clearly and accurately the distances between all points between which rates are published. Instead of including separate maps in rate tariffs, reference may be made in the rate tariff to a separate distance guide constructed on the principle of maps, or combinations of tables and maps, definitely and clearly indicating distances between the points covered by the rate tariff making reference thereto. All carriers parties to rate tariffs making reference to separate distance guides must be parties also to the distance guide referred to in the rate tariff.

Each of such tariffs shall clearly indicate the transfer points at which the carrier interchanges traffic and shall name the connecting carrier with which transfer is made at each such transfer point.

(d) *Joint distance or mileage tables.* Carriers, operating over regular or irregular routes, that participate in joint distance or mileage rates must either (1) publish in the tariff containing such joint distance or mileage rates or in a separate duly authorized publication an alphabetical list of all points between which such distance or mileage rates apply and the distances from each of such points to every other point, indicating in an appropriate manner which of such points are transfer points at which it is possible to interchange traffic and naming the connecting carriers at each such transfer point with which such transfer is possible; or (2) file through an agent, duly authorized, a separate joint publication which shall contain an alphabetical list of all the transfer points on their respective lines at which it is possible to interchange traffic in the area embraced by the application of such joint distance or mileage rates, together with the names of the connecting carriers at each transfer point with which transfer is possible, and the distance from each such transfer point to each other transfer point; and they shall, in the tariffs containing such joint distance or mileage rates, give reference by MF-I.C.C. number to such separate joint publication. The latter shall also contain the distance from each local station to the nearest transfer point in each direction over the line of the same carrier, or the tariff containing the joint distance or mileage rates shall refer by MF-I.C.C. number to the tariff or tariffs of each carrier containing the distances between points on its line and such junction points.

Until further notice, a method of publication of distances similar to that authorized in rule 12 (c) (4) may be used instead of the methods of publication

specified in (1) and (2) contained in the paragraph above.

NOTE: It is not intended by the two preceding paragraphs to require carriers to have a separate publication for each rate tariff containing joint distance or mileage rates but all the distances over which joint rates in which such carrier participates may be included in one publication.

RULE 13. CLASSIFICATION, EXCEPTIONS, AND RULES—TARIFFS

13. (a) *Classification.* A tariff may be filed containing a classification of the articles or commodities upon which the rates named in other tariffs making reference thereto will apply. The various articles or commodities shall be listed in the classification in an orderly manner and a rating indicating the class rate to be applied shall be shown in connection with each item or items containing a description of the articles. Such a tariff shall contain an alphabetically arranged index of all of the articles or commodities so listed. It is not permissible to state that the rating or rate on any article will be that applying upon another article. For example: The classification may not state that "Fire clay, crude or ground," will take "Fire-brick rates." If it is intended that fire clay take the same rating as is designated for fire brick, the same rating shall be shown in connection with the item listing fire clay.

(b) *Rule in classification.* Each classification shall contain the following rule:

The establishment of a commodity rate removes the application of the class rate on the same article between the same points over the same route, except when and insofar as alternative use of class and commodity rates is specifically provided in the tariff containing such commodity rates, and except that import, export, coastwise, and intercoastal class rates will take precedence over commodity rates which are not published to apply specifically on import, export, coastwise, or intercoastal traffic.

In applying the above rule, a local commodity rate will take precedence, on traffic originating or destined beyond, over a proportional class rate between the same points over the same route whether higher or lower, but an import, export, coastwise, or intercoastal class rate will take precedence on import, export, coastwise, or intercoastal traffic, respectively, over a domestic commodity rate.

(c) *Rules.* Rules which have a general application in a classification territory, or throughout the country, may be published in a classification tariff. Such rules must precede the list of articles shown in the classification and must be consecutively numbered and separately indexed.

(d) *Exceptions to classification.* A separate tariff may be filed containing exceptions to the classification for application in connection with tariffs or rates

making reference thereto. Each classification exceptions tariff shall contain the rule above provided for a classification tariff. Exceptions published therein must not be restricted to a small number of points in order to avoid the publication of commodity rates between such points. On rate tariff may be governed for account of any one carrier by not more than one tariff of exceptions to each classification governing the tariff, published either individually or by an agent. A tariff of exceptions may not contain any matter which is not in fact an exception to a rule, rating, or other condition published in a classification, except as provided in section (e) of this rule, nor will it be permissible to state that the rating or rate on any article will be that applying to another article. When tariffs naming joint rates make reference to separate publications containing exceptions to the classification, the tariffs of exceptions must be concurred in by all of the carriers participating in the joint rates.

Different classification ratings on the same article, or articles, based on different minimum quantities may be published in an exceptions tariff provided the lowest charge resulting from any such rating applied in connection with its published minimum (or actual quantity shipped, if greater) is made applicable by publishing such ratings in the same item and by providing in connection with such item a rule to the effect that the lowest charge obtainable under the different ratings and minima applicable thereto (or actual quantities if greater) will be applied.

Tariffs containing exceptions to the classification may not provide for the alternation of such exceptions with the classification proper.

(e) *To be arranged same as classification.* The matter in a tariff of exceptions shall be arranged in the same order as in the classification and separate and complete alphabetical indexes of the rules and of the articles listed therein shall be shown. Each general rule published in the exceptions to the classification shall be given a number and shall refer to the rule in the classification to which it is an exception. The following notation shall be shown on the title page of each tariff of exceptions:

Applicable only in connection with tariffs making reference to the MF-I.C.C. number hereof.

When desired, rules and regulations covered by rule 3 (h) may be included in the same publication with classification exceptions. In such cases, the classification exceptions tariff will be counted in applying the provisions of section (f) of this rule. Lists of commodities authorized in rule 4 (e) may also be included with classification exceptions, in which case carriers may not have other tariffs publishing commodity lists exclu-

sively. Where classification exceptions are published in the same tariff with rules, or commodity lists, the publication should be divided into sections, the first containing the classification exceptions, the second containing the rules and similar provisions, and the third containing the lists of articles. Such a publication shall contain a complete index.

(f) *Rules may be published in separate tariffs.* If it is not desirable or practicable to include the governing rules and similar provisions in the rate tariff, such rules and similar provisions may be separately published in tariffs filed by an individual carrier or by an agent. Except as noted below, any carrier may not apply more than two such rules tariffs, one of which shall be published by such carrier itself, and the other by an agent. The following tariffs will not be counted in applying the provisions of this section. Tariffs containing exclusively rules and charges applying to the special services covered by rule 11; classification and classification exceptions tariffs authorized by sections (a) and (d) of this rule; rate basis books authorized by rule 14; and tariffs containing rules and regulations governing the transportation of explosives and other dangerous articles.

When rules or regulations are thus separately published, rate tariffs may be made subject thereto only by specific MF-I.C.C. reference in the rate tariff. This reference should be made in substantially the following form:

Governed, except as otherwise provided herein, by rules (or regulations) shown in MF-I.C.C. No. ---, supplements thereto or successive issues thereof. (When issued by an agent, add "Issued by -----, Agent.")

(g) *Explosives regulations.* Tariffs which name rates for the transportation of explosives, inflammable or corrosive materials, or other dangerous articles shall, as required by rule 3 (h), contain the regulations promulgated by this Commission governing the transportation of such articles or give reference to a separate publication filed with this Commission by the carrier or by an agent containing such regulations. When the latter method is adopted, the tariff to which reference is made shall contain nothing except the regulations promulgated by the Commission for handling such articles and necessary provisions for the application of such regulations.

(h) *Participation in governing publications.* All carriers parties to tariffs making reference to separate publications for classification ratings, exceptions thereto, rules, or other provisions affecting the rates or the services rendered, except such carriers as indicate by restrictions published in the tariffs making reference to such separate publications that they will not apply the provisions therein, shall also be participating carriers in such separate governing publications. This rule does not

require participation in local drayage tariffs or tariffs containing other provisions which are local to the lines publishing such tariffs.

RULE 14. RATE BASIS BOOKS

14. (a) *Rate basis books.* Separate tariffs may be published, filed, and posted showing the rate groups or rate bases to be used in determining rates between points named therein. When such a separate publication is issued, reference shall be made in the rate tariff to the MF-I.C.C. number of such separate publication in substantially the form prescribed in rule 3 (f). All carriers parties to the rates governed by the rate basis book shall be shown as participating carriers both in the rate tariff and in the separate publication.

No rate may be governed by more than two such separate publications, one for points of origin and one for points of destination. A rate tariff may not refer to another rate tariff for list of points assigned rate groups or rate bases.

(b) *Order of arrangement.* Rate basis books must conform to the following requirements. Such a publication shall not contain rules for application of bases or rates at intermediate points. The name of the carrier serving each point shall be shown, and the points in such publication shall be arranged in alphabetical order, or such publication shall contain an index as provided in rule 3 (d). The rate group or rate basis, or arbitraries or differentials to be added to or deducted from the group or base rates, shall be shown immediately in connection with the name of each point, except that reference may there be made to an item showing such information. Exceptions to the rate group or rate basis should not be made in rate basis books unless such exceptions apply to or from a considerable number of points or on a considerable number of commodities. When arbitraries or differentials which are to be added to or deducted from the base or group rates are governed by classification provisions, other than those governing the base or group rate, reference to such other classification provisions shall be made immediately in connection with the arbitraries or differentials.

(c) *Rules governing rates.* All the rules and other provisions governing the application of rates determined by the use of a rate tariff and rate-basis books shall be published in the rate tariff or made a part thereof by reference as provided in rules 3 (h) and 13 (f).

(d) *Carriers' operating rights.* A separate section in a rate-basis book or a separate tariff similarly constructed, published, and filed may include information describing the operating rights of the carriers parties thereto as set forth in the carriers' certificates.

RULE 15. TARIFFS OF JOINT AGENTS

15. (a) *Joint tariffs issued by joint agents.* An agent for certain carriers may join with not more than two other agents for other carriers in the issuance of tariffs. This may be done without each of such agents having powers of attorney from all of the carriers parties to the tariff as required by rule 3 (b), provided each carrier is shown as participating under authority issued to one of such agents. In such cases, each agent acts for the carriers that have given him powers of attorney or have given concurrences to the carriers issuing powers of attorney and for such lines only.

(b) *MF-I.C.C. numbers and filing.* Such publication shall bear a separate MF-I.C.C. number in the series of each agent and each of the agents shall file the publication and each and every supplement thereto for and on behalf of the carriers for which he is agent, as if it were his individual publication on behalf of those carriers alone.

(c) *Tariffs and supplements must be identical and must be filed under one cover.* The tariff filed by one agent is not a complete publication properly authorized by all carriers named therein. It is a complement of the tariff filed by each agent and, therefore, identical copies of each tariff and of each supplement thereto must be filed by each agent. As each agent will file the tariff for the carriers which he lawfully represents, the cross exchange of concurrences between all of the different carriers represented by each agent will not be necessary as to that tariff. In order to avoid complications, all copies of each publication, accompanied by a letter of transmittal signed by each agent, shall be filed under one cover. A tariff filed by one agent shall not be amended to show an additional agent as participating in the issuance thereof except upon reissue of the tariff; nor shall a tariff issued by joint agents be converted into one issued by a lesser number of agents except by reissue.

(d) *List of participating carriers.* Each publication issued by two or three agents jointly shall show one complete alphabetical list of participating carriers indicating the carriers from which each of the agents has power of attorney, by showing in separate columns the form and number of the authority granted to each, and also indicating the carriers that participate under concurrences to any of the carriers for which one of the agents acts, by showing in an additional column the form and number of such concurrences together with appropriate reference marks to indicate the carriers to whom the concurrences are given.

RULE 16. SEASONAL MOTOR-WATER RATES

16. (a) *Discontinuance and restoration of water service.* Tariffs containing motor and water rates, applicable over routes upon which it is necessary

to close navigation during a portion of each year, shall provide for the restoration and discontinuance of service over such routes in the manner prescribed below.

NOTE: Existing tariffs which contain provisions at variance with the requirements of this rule must be supplemented or reissued for the purpose of substituting the provisions of this rule for the provisions now contained in such tariffs.

(b) *Notation on title page.* The following notation shall appear on the title page of the tariff:

Transportation service in connection with (here insert name of water carrier or carriers named in the tariff) is subject to restoration and discontinuance as indicated on page —.

(c) *When definite dates of service can not be determined.* When definite dates for restoration and discontinuance of transportation service for each season of navigation cannot be determined, the following rule shall be published in the tariff under the heading of "Application of Rates":

Shipments will be accepted by carriers parties to this tariff during the period from (here show date approximately thirty days prior to the first sailing from port of transshipment) to (here insert date which will allow sufficient time for shipment to reach the port of transshipment prior to the last sailing) of each year, for transportation on the vessels of the (here insert name of water carrier or carriers named in the tariff). Shipments will also be accepted from the latter date until the date announced by supplements to this tariff subject to the conditions that all freight left on hand at the port of transshipment after the closing of navigation for lack of space on vessels sailing after the arrival of such freight, and all freight reaching the port of transshipment after the last sailing of each season of navigation, will be forwarded over all-motor routes and be subject to the tariff rates applicable over such all-motor routes in effect on date of shipment from the point of origin of the shipment. In such cases shipping receipts and bills of lading shall bear notation to that effect. Supplements announcing the final date upon which shipments will be accepted for transportation under this tariff and effective supplements thereto will be filed with the Interstate Commerce Commission and posted at points from which the rates apply not less than one day in advance of such date.

The dates for restoration and discontinuance of service as set forth in this section shall be shown in boldface type.

(d) *When definite dates of service CAN be determined.* When definite dates for restoration and discontinuance of transportation service for each season of navigation can be determined, the following rule shall be published in the tariff under the heading of "Application of Rates":

Shipments will be accepted by carriers parties to this tariff during the period

from (here show date approximately thirty days prior to the first sailing from port of transshipment) to (here show date which will allow sufficient time for shipment to reach the port of transshipment prior to the last sailing) of each year, for transportation on the vessels of the (here insert name of water carrier or carriers named in the tariff). Shipments will also be accepted from the latter date until (here insert final date upon which shipments will be accepted for transportation under the tariff and effective supplements thereto), subject to the condition that all freight left on hand at the port of transshipment after the closing of navigation for lack of space on vessels sailing after the arrival of such freight, and all freight reaching the port of transshipment after the last sailing of each season of navigation, will be forwarded over all-motor routes and be subject to the tariff rates applicable over such all-motor routes in effect on date of shipment from the point of origin of the shipment. In such cases shipping receipts and bills of lading shall bear notation to that effect. No supplement will be issued to this tariff announcing the date of discontinuance of transportation service.

The dates for restoration and discontinuance of service as set forth in this rule shall be shown in boldface type.

(e) *Supplements announcing discontinuance of transportation service under this rule may be filed with the Interstate Commerce Commission and posted at points from which the rates apply on not less than 1 day's notice by noting thereon reference to this rule.* Only one such supplement may be in effect at any time; it may not contain other matter and may be issued without regard to the requirements of rule 6 (d).

(f) *Tariffs may be reissued.* Tariffs containing motor and water rates may be reissued or amended at any time in the regular manner, but tariffs containing the clause prescribed by section (c) of this rule which are made effective subsequent to the date of actual discontinuance of service shall contain a statement that service was discontinued on ----- as per Supplement No. ---- to MF-I.C.C. No. ---- (former tariff) and that a further supplement announcing discontinuance of service for that season will not be filed.

RULE 17. RATES PRESCRIBED BY COMMISSION

17. (a) *Rates prescribed by commission must be promulgated in tariffs and commission notified.* Rates prescribed by the Commission in its decisions and orders in formal cases shall be promulgated by the carriers to which such orders are issued in duly published, filed, and posted tariffs, revised pages, or supplements, and notice shall be furnished the Commission that its decision (or order) in Docket No. ----, has been complied with in Item ----, page ---- of ----- tariff, MF-I.C.C. No. ----

or Supplement No. ---- to ---- tariff, MF-I.C.C. No. ----. Unless otherwise specified in the decision or order in the case, the prescribed rates shall be made effective upon statutory notice to the Commission and to the public.

(b) *Notation on tariff.* When an entire tariff or supplement is issued in compliance with a decision or order of the Commission, whether made effective on less than statutory notice under special authority granted in the decision or order in the case or upon statutory notice, such tariff or supplement shall bear on its title page the notation, "In compliance with decision (or order) of Interstate Commerce Commission in Docket No. ----." (When possible, the volume and page number of the report of the Interstate Commerce Commission should be shown.)

If the decision or order of the Commission affects only portions of the tariff or supplement, the above notation shall be shown in connection with each portion so affected.

RULE 18. TARIFF INDEXES

18. (a) *Index of tariffs.* On and after April 1, 1943, each carrier that participates in any agency tariff or that has on file five or more individual tariffs in effect at the same time shall publish under proper MF-I.C.C. number, file with this Commission, and post in accordance with rule 20, a complete index of tariffs which are in effect and to which it is a party either as an initial or a delivering carrier. Such index shall be prepared in sections as indicated below, and shall show: (a) MF-I.C.C. number; (b) carrier's own number; (c) index number; (d) name of issuing carrier or agent; (e) issuing carrier or agent's number; (f) character of tariff or description of the articles upon which it applies; (g) where tariff applies from; (h) where tariff applies to.

NOTE: Items (b), (c), and (e) may be omitted. The information required by Items (f), (g), and (h) shall be stated in sufficient detail to show clearly the application of the tariff.

(b) *Arrangement of index—First section.* A list of all tariffs in which the carrier is shown as an initial carrier, entered in the following order: Specific commodity tariffs, general commodity tariffs, class and commodity tariffs, class tariffs, and miscellaneous rules tariffs.

Specific commodity tariffs shall be entered alphabetically under the names of commodities or principal commodities. Tariffs applying to different kinds of the same commodity shall be grouped together. Example: "Lumber, hardwood," "Lumber, yellow pine," etc. Each group of specific commodity tariffs, and tariffs grouped under the respective heads of general commodity tariffs, class and commodity tariffs, and class tariffs, shall be entered by alphabetical arrangement of the points or territory from or to which they apply, in either the "From" or "To" column.

Next shall appear "Miscellaneous rules tariffs," such as basing books, classifications, exceptions tariffs, terminal tariffs, etc., each entered in alphabetical order.

Second section. A list of all tariffs under which the carrier is shown as a delivering carrier arranged alphabetically by names of issuing carriers and agents, with the items arranged by commodities and classes under each of such carriers and agents, as prescribed for the first section. If a carrier so desires, lists of tariffs under which it is an intermediate carrier may be included in this section, provided those tariffs under which it is a delivering carrier or an intermediate carrier or both are indicated.

Third section. A complete list by MF-I.C.C. numbers of effective tariffs of its own individual series arranged in numerical order.

Supplements to tariffs should not be included in indexes. Where supplements have the effect of changing the application of the original tariff, the descriptions of such tariff in the index should be amended accordingly. If intrastate tariffs which do not bear MF-I.C.C. numbers are listed, the reference mark prescribed in rule 3 (e) shall be used with explanation, "Rates in this tariff do not apply on interstate shipments." All intrastate tariffs which bear MF-I.C.C. numbers must be properly shown in the index.

(c) *Revisions and supplements.* The index shall be revised, when changes occur, either by reissue each month or by supplement each month and reissue every 12 months. If supplements are issued, they shall be numbered consecutively, shall be constructed in accordance with specifications as to construction of index, and shall show additions, changes, and cancellations made in index or canceled supplements thereto by reference to the page and index number of the entry changed or canceled. Supplements may be issued without regard to the volume of supplemental matter but not more than three supplements may be in effect at any time.

(d) *Notation on title page.* Each index must bear on its title page the notations, "This index contains a list of tariff publications in effect on (date of issue of index)"; to which may be added "or which have been filed to become effective at a later date as shown within." If supplements to the index will not be issued, "No supplement to this index will be issued"; if supplements will be issued, "This index will be reissued on or before ----, and supplements will be issued each month in which change is made."

Each supplement to an index shall bear on the title page the notation, "Supplements Nos. ---- and ---- contain all changes from original index which are in effect on the date hereof"; to which may be added "or which have been filed to become effective at a later date as shown within."

The title page of each index and of each supplement shall bear date of issue but shall not bear an effective date. The rule requiring 30 days' notice does not apply to these indexes and their supplements.

(e) *Agent may file.* Tariff indexes may be issued and filed by publishing agents for account of carriers participating therein under appropriate authority. Tariff indexes filed by publishing agents shall be constructed in accordance with the provisions of this rule. When carriers comply with this rule by participating in a tariff index issued and filed by a publishing agent, such carriers shall post the agency index in accordance with the requirements of rule 20.

RULE 19. TRANSFER OF OPERATIONS; CHANGES IN NAME AND CONTROL

19. (a) *Complete adoption notice.* When the name of a common carrier is changed or when its operating control is transferred to another common carrier, the carrier which will thereafter operate the properties shall file with the Interstate Commerce Commission and post as required in rule 20 an adoption notice in the form of a tariff numbered in its MF-I.C.C. series and containing substantially the following:

(Name, also trade name, if any, of adopting carrier) hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed and posted by it, all tariffs, classifications, rules, notices, traffic agreements, statements of divisions, powers of attorney, concurrences, or other instruments whatsoever, including supplements or amendments thereto, filed with the Interstate Commerce Commission by, or heretofore adopted by (name and trade name, if any, of former carrier) prior to (date).

In addition to the above adoption notice the adopting carrier shall immediately file with the Interstate Commerce Commission and post as required in rule 20 a consecutively numbered supplement to each of the effective tariffs or adopted by its predecessor, reading as follows:

Effective [here insert date shown in the adoption notice] this tariff, or as amended, became the tariff of [name and trade name, if any, of the adopting carrier] as stated in its adoption notice MF-I.C.C. No. ----.

Subsequent supplements to adopted tariffs shall be numbered consecutively, beginning with the number following that of the adoption supplement, and shall show in connection with the MF-I.C.C. number that the number is in the series of the former carrier.

New tariffs reissuing or superseding adopted tariffs shall be numbered in the MF-I.C.C. series of the adopting carrier. The adopting carrier, when canceling any tariff issued or adopted by the old carrier, shall identify such tariff in the cancellation notice by reference to its MF-I.C.C. number, by reference to the

name of the carrier that issued it, and, when tariffs have been published by the old carrier in more than one series, by reference to the particular series in which that tariff was published.

(b) *Old carrier to be eliminated and new carrier added.* Tariffs issued by other carriers or agents participated in by a carrier whose name is changed or that is absorbed, taken over, or operated by another carrier or of a carrier whose name is changed shall be amended on statutory notice in the regular way (that is, by the next supplement or revised page filed) to eliminate from the list of participating carriers the name of the old carrier and to add thereto the name of the new carrier. Such supplement or revised page shall also contain the following provision:

[Name and trade name, if any, of the adopting carrier] by its adoption notice, MF-I.C.C. No. _____, which became effective on _____, having taken over the tariffs, etc., of [name and trade name, if any, of the former carrier], [name and trade name, if any, of the adopting carrier] is hereby substituted for [name and trade name, if any, of the old carrier] wherever it appears in this tariff.

(c) *Partial adoption notice.* When the operating control of a common carrier's properties is transferred in part to another common carrier, the carrier which will thereafter operate that part of the properties shall file with the Interstate Commerce Commission and post as required in rule 20 an adoption notice in the form of a tariff numbered in its MF-I.C.C. series and containing substantially the following:

[Name and trade name, if any, of adopting carrier] hereby adopts, ratifies, and makes it own in every respect as if the same had been originally filed and posted by it, all tariffs, classifications, rules, notices, traffic agreements, statements of divisions, powers of attorney, concurrences, or other instruments whatsoever, including supplements or amendments thereto, filed with the Interstate Commerce Commission by, or heretofore adopted by [name and trade name, if any, of the original carrier] prior to [date] insofar as said instruments apply [here described the operations transferred].

In addition to the above adoption notice, the old carrier shall immediately file with the Interstate Commerce Commission and post as required in rule 20, under proper concurrence from the adopting carrier, a supplement to each of its effective tariffs covered by the adoption notice reading as follows:

Effective [here insert date shown in adoption notice] this tariff or as amended, insofar as it contains rates, rules, and other provisions applying [here describe the operations transferred], became the tariff of [name and trade name,

if any, of the adopting carrier] as stated in its adoption notice, MF-I.C.C. No. _____.

(d) *Tariffs to be amended.* Tariffs issued by other carriers or agents applicable in connection with that part of the line taken over or operated in part by another carrier shall be amended on statutory notice in the regular way, that is, by the next supplement or revised page filed, to incorporate necessary changes. Such supplement or revised page shall also contain a provision in the following form:

[Name and trade name, if any, of the adopting carrier] by its adoption notice MF-I.C.C. No. _____, having taken over tariffs, etc., of [name and trade name, if any, of the old carrier] insofar as they contain rates, charges, rules, and other provisions applying [here describe the operations transferred], [name and trade name, if any, of the adopting carrier] is hereby substituted for [name and trade name, if any, of the old carrier] wherever the latter appears in this tariff in connection with said points, routes, or territory.

Rates, rules, and other provisions applying locally between points on the transferred portion shall be transferred as quickly as possible to tariffs of the adopting carrier. The former carrier shall cancel such rates, rules, and other provisions from its tariffs on statutory notice and shall refer by MF-I.C.C. number to the tariffs of the adopting carrier for rates to apply thereafter. The adopting carrier shall publish, file, and post corresponding rates, rules, and other provisions on statutory notice to become effective upon the date upon which the cancellation of the former carrier's rates, rules, and other provisions becomes effective.

Junction point. If, after the transfer of operations, any point will be served by both the former carrier and by the adopting carrier, a statement shall be shown in connection with the name of that point reading substantially as follows:

This adoption notice does not have the effect of eliminating _____ as a point served by [name and trade name, if any, of the original carrier], but has the effect of establishing service at said point by [name and trade name, if any, of the adopting carrier].

(e) *Receiver, etc., must file adoption notice and supplement.* Adoption notices and supplements similar to those prescribed in sections (a) and (c) of this rule but numbered consecutively in the MF-I.C.C. series of the old carrier, shall immediately be filed and posted by a receiver, trustee, executor, administrator, assignee, or lessee when he assumes possession and operating control of a carrier's lines, either in whole or in part, and shall show the names of the receivers, trustees, executors, administrators, assignees, or lessees on the title page in connection with the former carrier's

name. When such possession and operating control are terminated, the carrier taking over the properties shall file an adoption notice and if a change in the name of the carrier has been made, shall also file supplements as prescribed in sections (a) and (c) of this rule.

(f) *Adoption notice effective date.* Notices of adoption shall be filed and posted immediately and if possible on or before the date shown therein. Copies shall be sent to each agent or carrier to which power of attorney or concurrence has been given by the adopted carrier. The effective date shall be the date (as shown in the body of the notice) on which the change in name or operation occurs, except that if prior approval of such change by the Interstate Commerce Commission is required, the effective date shown shall not antedate that approval.

Concurrences and powers of attorney adopted by a carrier, receiver, trustee, executor, administrator, assignee, or lessee shall, within 120 days, be replaced and superseded by new concurrences and powers of attorney issued by and numbered in the series of the adopting carrier, receiver, trustee, executor, administrator, assignee, or lessee, except that receivers, trustees, executors, administrators, assignees, or lessees may continue concurrences and powers of attorney in the same series of numbers. The cancellation reference to the former concurrence or power of attorney shall include the name of the former issuing carrier. Powers of attorney and concurrences which will not be replaced by new issues shall be regularly revoked on the notice and in the manner prescribed by rules 22 (n) and 23 (d).

Adoption notices and special supplements issued under the authority of this rule shall contain no other matter.

(g) *Temporary control.* When temporary authority to take over the operating control of all or a portion of the operations of a carrier is granted pursuant to the provisions of section 210a. (b) of the Motor Carrier Act, 1935, as amended, the new carrier that assumes temporary control of the operations of the old carrier shall comply with the provisions of paragraphs (a), (b), (c), (d), and (f) of this rule except that the new carrier is not required to reissue the adopted concurrences and powers of attorney during the period of temporary control of the operations of the old carrier. New concurrences and powers of attorney granting authority to publish rates from or to points included in the temporarily controlled operations, shall be in the series of the old carrier; for example:

MPXA 2 No. 6 (Roe's Trucking Series)
John Doe Transport, Inc.
Operator of
Richard Roe
d/b/a
Roe's Trucking
(Post Office Address)

The new carrier, when it publishes in a tariff issued in its name, rates, charges,

or other provisions relating thereto, from, to, or between points included in the temporarily controlled operations, shall file such publication in the name of the new carrier as operator of the old carrier under consecutive MF-I.C.C. numbers and in the series of the old carrier. For example, if John Doe Transport, Inc., assumes temporary control of the operations of Richard Roe dba Roe's Trucking, the title page of tariffs or supplements thereto, must show the MF-I.C.C. number and name of the carrier in substantially the following manner.

MF-I.C.C. No. 17 (Roe's Trucking Series)
John Doe Transport, Inc.
Operator of
Richard Roe
d/b/a
Roe's Trucking

When permanent authority to take over the temporarily controlled operations is granted pursuant to the provisions of section 213 of the Motor Carrier Act, 1935, and as amended, the new carrier shall file a new adoption notice in the name specified in the permanent authority and otherwise comply with the provisions of paragraph (a), (b), (c), (d), and (f) of this rule.

If the temporary authority to assume operating control of the old carrier is not made permanent, the old carrier must file an adoption notice reassuming control of the operations and otherwise comply with all of the provisions of this rule. The effective date to be shown in the adoption notice and adoption supplements is the date on which the temporary authority for the new carrier to operate the properties of the old carrier expires or is vacated.

(h) The provisions of this rule do not apply to changes in name or operating control of:

- (1) a rail carrier.
- (2) a water carrier operating under the provisions of section 5 (21) part I of the Interstate Commerce Act.
- (3) a motor carrier, to the extent that it participates in the publication and maintenance of joint rates with carriers named in (1) and (2) above.

or to changes in name or operating control not authorized by the Motor Carrier Act, 1935, and as amended.

RULE 20. FILING AND POSTING TARIFFS

20. (a) *Filing tariffs.* Tariffs and supplements thereto shall be filed by the proper officer or duly authorized agent of the carrier. When filed by an officer, the concurrence, and when filed by an agent, the power of attorney of every carrier participating therein shall be on file with the Commission or accompany the tariff or supplement. Tariffs shall be filed by the issuing carrier or agent, and such filing will constitute filing for all carriers parties thereto. An agent duly authorized to act for carriers shall file tariffs under his own MF-I.C.C. serial numbers.

(b) *Avoid conflict between tariffs.* A carrier that grants authority to an agent or to another carrier to publish and file certain of its rates shall not in its own issues publish rates which duplicate or conflict with those which are published by such authorized agent or other carrier.

(c) *Numerical order, or explanation of missing numbers required.* Each carrier and agent shall file tariffs and supplements under consecutive MF-I.C.C. or supplement numbers. If, for any reason, this is not done, the tariff or supplement which is not numbered consecutively with the publication last filed must be accompanied by a memorandum explaining why consecutive numbers were not used.

(d) *Letter of transmittal.* All tariffs and supplements filed with the Commission shall be accompanied by a letter of transmittal of one sheet 8 by 10½ inches in size, in form substantially as follows:

(Name of carrier or agent in full)

(Post office address)
-----, 19____
Transmittal No.-----
To the INTERSTATE COMMERCE COMMISSION,
BUREAU OF MOTOR CARRIERS,
Washington, D. C.:
Accompanying publication is sent you for filing in compliance with the requirements of the Motor Carrier Act, 1935, issued by _____ and bearing MF-I.C.C. No. _____; or Supp. No. _____ to MF-I.C.C. No. _____; or revised page to MF-I.C.C. No. _____; effective _____, 19____; and is concurred in by all carriers named therein as participants under continuing concurrences or powers of attorney now on file with the Interstate Commerce Commission, except the following-named carriers, whose authorities are attached hereto:

(Signature)

(Title)

A separate letter may accompany each publication or the form may be modified to provide for filing with one letter as many publications as can be conveniently listed.

If receipt for the accompanying publication is desired, letters of transmittal must be sent in duplicate, and one copy showing the date of receipt by the Commission will be returned to the sender.

(e) *Number of copies.* Except as provided in the next succeeding paragraph, carriers and agents shall transmit to the Commission three copies of each tariff, supplement, revised page, classification, or other publication to be filed, all copies to be included in one package and under one letter of transmittal. A separate letter of transmittal shall be included for each joint agent.

Eighteen copies of the following publications shall be transmitted: publications governing other tariffs, authorized in rule 13, containing exclusively classification ratings, or exceptions thereto,

rules and other provisions of general application.

No tariff, revised page, or supplement will be received by the Commission unless it is delivered to it free from all charges, including claims for postage.

Tariffs sent for filing shall be addressed:

Interstate Commerce Commission
Bureau of Motor Carriers
Section of Traffic
Washington, D. C.

Tariff publications received for filing will not be returned unless rejected because of failure to give lawful notice of changes, or for other valid reason.

(f) *Statutory notice must be shown unless otherwise authorized.* The Motor Carrier Act requires that all changes in rates or charges, or in rules or other provisions that affect rates, shall be filed with the Commission at least 30 days before the date upon which they are to become effective unless otherwise authorized by the Commission. Manifestly it is impossible for the Commission to check the items in tariffs to determine whether or not statutory notice has been given. Therefore, except as otherwise authorized by the Commission, 30 days' notice to the public and to the Commission must be given as to every tariff publication filed with the Commission, regardless of whether or not changes are effected thereby.

Rates, charges, rules, or other provisions which have been filed with the Commission must be allowed to become effective and remain in effect for a period of at least 30 days before being changed, canceled, or withdrawn, unless otherwise authorized by the Commission.

(g) *Receipt and filing of tariffs by Commission does not relieve carriers from liability for violation of act or regulations thereunder.* The law affirmatively imposes upon each carrier the duty of filing with the Commission and posting for public inspection all of its tariffs and amendments thereto in the manner prescribed in the law and in regulations promulgated by the Commission. A penalty is provided for failure to do so, or for using any rate which is not contained in its lawfully published and filed tariffs. The receipt and acceptance for filing of a tariff or supplement by the Commission does not relieve carriers from liability for violation of the act or of regulations issued thereunder.

All rates used in making combination through rates for interstate shipments, including rates between points in one State, must be filed with the Commission and posted for public inspection and they can be changed as to such traffic only in accordance with the provisions of the Motor Carrier Act, 1935, and as amended.

(h) Except as provided herein, each carrier by motor vehicle subject to the provisions of section 217 of the Motor Carrier Act, 1935, and as amended, shall post and file at each of its stations or

offices which is in charge of a person employed exclusively by the carrier or by it jointly with another carrier and at which freight is received for transportation all of the tariffs containing rates, charges, classifications, and rules or other provisions applying from, or at, such station or office.

Except as provided herein, each of such carriers shall also maintain at its principal or general office a complete file of all tariffs issued by it or by its agents, including those tariffs in which it concurs.

Carriers operating only as pick-up carriers within the pick-up area at point of origin and carriers operating only as delivery carriers within the delivery area at point of destination who are shown as participating carriers in the tariffs naming rates from, to, or between such points will not be required to post such tariffs, provided the line-haul carrier with whom they interchange traffic maintains a terminal at the pick-up or delivery point, as the case may be, and posts such tariffs in accordance with this rule.

The granting of authority to issue tariffs under powers of attorney or concurrences does not relieve the carriers conferring the authority from the necessity of complying with the Commission's regulations with regard to posting tariffs. Tariffs issued under such authority must be posted as required by these regulations.

Each file of tariffs shall be kept in complete and accessible form. Employees of the carrier shall be required to give any desired information contained in such tariffs, to lend assistance to seekers of information therefrom, and to afford inquirers opportunity to examine any of such tariffs without requiring the inquirer to assign any reason for such desire.

(i) *Commission may reject tariff publications.* Tariffs, revised pages, or supplements which are received for filing too late to give the Commission the notice required by law are subject to rejection and return. No consideration will be given to telegraphic notices in computing the notice required, or to the time during which a tariff publication may be held by an express company or by the Post Office Department.

When a publication is rejected by the Commission as unlawful, the number which it bears must not be again used. Such publication must not thereafter be referred to as canceled, amended, or otherwise, but a publication that is issued to take the place of such rejected publication must bear the notation, "Issued in lieu of MF-I.C.C. No. _____, (or Supplement No. _____) rejected by the Commission."

RULE 21. APPLICATIONS FOR SPECIAL PERMISSION

21. (a) *Rates changed on less than statutory notice.* The Motor Carrier

Act, 1935, and as amended, authorizes the Commission in its discretion and for good cause shown to permit changes in rates on less than statutory notice, and also to permit departure from the Commission's regulations. The Commission will exercise this authority only in cases where actual emergency and real merit are shown. Desire to meet the rates of a competing carrier that has given statutory notice of change in rates will not of itself be regarded as good cause for permitting changes in rates or other provisions on less than statutory notice. Clerical or typographical errors in tariffs constitute good cause for the exercise of this authority, but every application based thereon must plainly specify the error together with a full statement of the attending circumstances and must be presented with reasonable promptness after issuance of the defective tariff, supplement or revised page.

(b) *Permission, will not issue to modify formal orders.* When a formal order of the Commission requires publication on a stated number of days' notice, a request addressed to the Bureau of Motor Carriers for authority to file on less notice will not be granted. In any such instance a petition for modification of the order should be filed on the formal docket.

(c) *Applications must be by carrier or agent authorized to file tariff.* Applications for permission to establish rates, rules, or other provisions on less than statutory notice, or for waiver of the provisions of this Tariff Circular must be made by the carrier or agent that holds authority to file the proposed publication. If the application requests permission to make changes in joint tariffs, it must state that it is filed for and on behalf of all carriers parties to the proposed change.

(d) *Number of copies.* Two copies of applications (including amendments thereto and exhibits made a part thereof) shall be sent to the Interstate Commerce Commission, Bureau of Motor Carriers, Washington, D. C. One additional exact copy shall be sent to the office of the district director of the district in which the main office of the applicant carrier or publishing agent is located. One additional exact copy, also, shall be furnished each director of the district in which is located the main office of each of the particular carriers for whom such application is filed. The application shall indicate that the copies required by this rule are furnished the district offices interested and shall show the offices to which such copies are furnished.

Application shall be made on paper 8 by 10½ inches, shall be in substantially the form shown hereinbelow, and shall give all the information required by this rule together with any other pertinent facts. They shall be numbered consecutively and must bear the

signature of the carrier or its agent or officer, specifying title.

(Address)

(Date)

To the INTERSTATE COMMERCE COMMISSION,
BUREAU OF MOTOR CARRIERS,
Washington, D. C.

Application No. _____

(Name of carrier)

by _____
(Name of officer,
specifying title)

for and on behalf of all carriers parties to its Tariff MF-I.C.C. No. _____, does hereby petition the Interstate Commerce Commission that he (it) be permitted, under section 217 of the Motor Carrier Act, 1935, and as amended, to put in force the following tariff provisions to become effective _____ days after the filing thereof with the Interstate Commerce Commission:

(Here show matter as directed by section (e), paragraph (1) of this rule.)

Your petitioner further represents that the said: [state whether rates, charges, classification ratings, or other provisions] above mentioned will be published in [here show matter as directed by section (e), paragraph (2) of this rule].

1. (Here state matter as directed by section (e), paragraph (3) of this rule)

2. (Here state matter as directed by section (e), paragraph (4) of this rule)

3. (Here state fully matter as directed by section (e), paragraph (5) of this rule)

4. (Here show justification as directed by section (e), paragraph (6) of this rule.)

(Name of carrier)

By _____
(Name and title)

Verification:*

The above statement was subscribed and sworn to before me this _____ day of _____, 19____.

(Notary public)

Copy sent to District Director

at _____,

date _____,

at _____,

date _____,

at _____,

date _____.

When the publication is made by an agent, appropriate change should be made in the introductory and closing paragraphs of this form.

(e) *Application shall show.* Applications shall show the following information:

(1) The proposed tariff provisions shall be set forth clearly and completely. An accompanying exhibit may be used if identified by letter, such as "Exhibit A," and so referred to in the application. If the proposed provisions consist of rates, all points of origin and destination must be shown or definitely indicated; if permission is sought to establish a rule, the exact wording of the proposed rule must be given.

(2) The application shall show the tariffs and MF-I.C.C. numbers of the

*If reference to tariff or tariffs does not exactly designate carrier involved, other methods of designating carriers should be employed.

*Only the original need be executed.

publications in which the proposed rates, ratings, rules, or other provisions will be published. If publication is to be made in supplements to tariffs already referred to, this fact shall be shown.

(3) The application shall set forth the rates or tariff provisions which it is desired to change. Where the matter to be shown is voluminous or for other reasons difficult of presentation, it may be included in an accompanying exhibit, properly identified and referred to in the application. Reference shall be made by MF-I.C.C. number and supplement number to the tariffs or supplements in which rates or provisions to be superseded are published. If such provisions are published in numbered items or other units, reference shall be made thereto by number, or, if not so published, the pages of the publication on which the provisions appear shall be shown. The extent to which cancellations will be made must be definitely indicated.

(4) The application shall state the names of carriers known to maintain competitive rates, charges, classification ratings, or rules between the same points or points related thereto, together with the MF-I.C.C. or I.C.C. numbers of the tariffs and supplements thereto containing such provisions.

(5) The application shall state whether such carriers have been advised of the proposed rates, charges, classification ratings, or rules and whether they have been advised that it is proposed to establish such provisions on less than statutory notice. If competitive carriers have expressed their views in regard to the proposed provisions, a brief statement of their views shall be given.

(6) The application shall state the special circumstances or unusual conditions which are relied upon as justifying the requested permission together with any related facts or circumstances which may aid the Commission in determining whether the requested permission is justified. If permission to establish provisions on less than statutory notice is sought, the petitioner shall state why the proposed provisions could not have been established upon 30 days' notice.

(f) *Partial use of permission prohibited.* If the authority granted by special permission is used, it must be used in its entirety and in the manner set forth in the order of special permission. If it is not desired to use all of the authority granted and less or more extensive or different authority is desired, a new application complying with the provisions of this rule in all respects and referring to the previous permission must be filed.

RULE 22. POWERS OF ATTORNEY

22. (a) *Forms of powers of attorney.* The following forms shall be used by a carrier to give authority to an agent to publish and file tariffs and supplements in which such carrier participates. (Ex-

isting powers of attorney which are not otherwise objectionable need not be re-issued merely to comply with the prescribed form).

If common carriers by water (other than railroad owned or railroad controlled water carriers operating under the provisions of section 5 (21), part I, of the Interstate Commerce Act) desire to give powers of attorney to agents authorizing the publication of joint rates with common carriers of property by motor vehicle, the forms set forth in rules 22 (b) and 22 (c) may be altered by substituting for the words "common carrier of property by motor vehicle," the words, "common carrier of property by water," or appropriate words of similar import.

(b) *Individual.* This form shall be used to authorize an individual to act as agent:

POWER OF ATTORNEY

MFXA2, No. _____
Cancels MFXA-, No. _____

(Name of carrier)

(Post office address)

_____, 19__

Know all men by this instrument:

That, on the _____ day of _____, 19__, _____, a common carrier of property by motor vehicle does (do) hereby make and appoint _____

(Name of principal agent) attorney and agent to publish and file for such carrier freight tariffs and supplements thereto, as permitted or required of common carriers of property by motor vehicle under authority of the Motor Carrier Act, 1935, and the regulations of the Interstate Commerce Commission issued pursuant thereto, and does (do) hereby ratify and confirm all that said attorney and agent may lawfully do by virtue of the authority herein granted and does (do) hereby assume full responsibility for the acts and failures to act of said attorney and agent.

And, further, that _____ (See Note 1 of Paragraph (c)) does (do) hereby make and appoint _____

(Name of alternate agent.) and agent to do and perform the same acts and exercise the same authority herein granted to _____ in the event and only in the event of the death or disability of _____

(Name of principal agent)

(Name of carrier)

By _____

Attest (If a corporation): _____

_____, Secretary.

[CORPORATE SEAL]

Duplicate mailed to _____, Agent.

(c) *Corporation.* This form shall be used to authorize a corporation to act as agent:

POWER OF ATTORNEY

MFXA3, No. _____
Cancels MFXA-, No. _____

(Name of carrier)

(Post office address)

_____, 19__

Know all men by this instrument:

That, on the _____ day of _____, 19__, _____ a common

(See note 1)

carrier of property by motor vehicle does (do) hereby make and appoint _____

(Name of _____ attorney and agent to pub-

lish and file for such carrier freight tariffs and supplements thereto, as permitted or required of common carriers of property by motor vehicle under authority of the Motor Carrier Act, 1935, and the regulations of the Interstate Commerce Commission issued pursuant thereto and does (do) hereby ratify and confirm all that said attorney and agent may lawfully do by virtue of the authority herein granted and does (do) hereby assume full responsibility for the acts and failure to act of said attorney and agent.

(Name of carrier)

By _____

Attest (If a corporation): _____

_____, Secretary.

[CORPORATE SEAL]

Duplicate mailed to _____, Agent.

NOTE 1: In the blank space for the name of the carrier, there shall be shown, if the carrier be an individual, the individual name followed by the trade name, if any. If the carrier be a partnership, the correct names of all partners must be given, followed by the trade name, if any. If the carrier be a corporation, the correct corporate name must be used. (See note 2).

NOTE 2: The power of attorney shall be signed by the individual carrier, if the carrier be an individual and shall be signed by all of the partners individually if a partnership. If the carrier be a corporation the power of attorney shall be signed by the president or vice president, attested by the secretary of the corporation, and the corporate seal shall be affixed. In all cases, the name of the carrier shall be identical with the name as it appears in the certificate of convenience and necessity issued by the Commission, or, in the event that such certificate shall not have been issued, the name of the carrier shall be identical with the name appearing in the application for such certificate.

(d) Unless specifically authorized by the Commission, an official or an employee of a corporation may not act as agent when such corporation acts as agent.

(e) *Corporation, as agent.* A corporation, duly authorized and acting as an attorney and agent, shall issue tariffs in the name of the corporation as agent. At the bottom of the title page of each publication filed by the corporation as agent shall be shown the name and title of the official of the corporation who has been appointed by such corporation to issue tariffs and file them with the Commission.

A corporation acting as a publishing agent under powers of attorney shall forward to the Commission a certified minute of the meeting of the board of directors of such corporation showing the name and title of the official who has been appointed to handle all tariff matters with the Commission.

(f) *Authority conferred.* Powers of attorney authorized by this rule, if executed without modification, confer unlimited authority to publish local rates for the carrier issuing the power of attorney and to publish joint rates for such carrier and such other carriers as shall have issued the necessary authority. If it is desired to limit the authority granted

to the agent, the form may be modified by adding at the end of the first paragraph the statement: "This authority is restricted to the filing of the publications or types of publications set forth below," and by clearly stating immediately thereafter the extent of the authority granted. The instrument may limit the authority of the agent to publication of rates from points on the carrier's lines only, or to points on its lines only, or may limit the authority granted to publication of either local or joint rates. The authority granted may be restricted, also, to publication of either class or commodity rates, but it may not be limited to publication of rates on a particular commodity or commodities or to publication of specifically named rates.

If it is desired to give to an agent authority for the publication of a classification, a classification exceptions tariff, or a rules tariff, only, the form may be modified by omitting from line five the words "freight tariffs" and substituting therefor the word or words, "classification," "classification exceptions tariffs" or "rules tariffs," or the instrument may be so modified as to authorize the publication of any or all of such tariffs, including rate tariffs. If it is desired to limit the authority granted to publication of a particular tariff or tariffs, this may be done by giving a sufficiently accurate description of the title page of each tariff to identify it and by showing the MF-I.C.C. number, if known. If it is intended that the authority granted shall include supplements to or reissues of specifically named tariffs, that fact should be made clear by adding after the designation of the tariff, "supplements thereto and successive issues thereof."

(g) *Specifications for powers of attorney.* Powers of attorney shall be printed on good paper of durable quality, 8 by 10½ inches in size, and shall be signed as indicated in note 2, page 72. Each power of attorney shall be given a form and serial number which shall run consecutively for each form of instrument. The form and serial numbers shall be shown on the upper right-hand corner and immediately thereunder shall be shown the form and number of the power of attorney, if any, which is canceled thereby. If the instrument to be canceled contains more authority or is broader in scope than the new instrument, such new instrument must bear an effective date at least 60 days after the date on which it is received by the Commission. When the new instrument is broader in scope than the instrument which is to be canceled, no notice is required. The term "freight tariff" as used in this rule means not only rate tariffs but all other freight publications which in any way affect the value of the service or the measure of the charge. Each instrument shall show, under the serial number, the post-office address of the person or persons issuing it and the date

of issue. The instrument shall show, also, in the lower left-hand corner, the name, title, and address of the person or corporation to whom the duplicate is sent.

(h) *Number of copies.* All instruments must be prepared in triplicate. Except when there is specific instruction in individual rules to send originals to an agent, the original of the instrument shall be filed with the Commission, the duplicate sent to the agent to whom such authorization is directed, and the third copy retained by the issuing carrier.

(i) *Conflicting authority to be avoided.* Powers of attorney may not contain authority to delegate to another the power thereby conferred. In giving authority to an agent to publish and file rates for the carrier by whom such authority is issued, care must be taken to avoid duplicating to two or more agents authority which, if used, would result in conflicting rates or other provisions.

(j) *Filing by alternate agent.* When a power of attorney is issued to an individual to act as agent, such instrument shall name an alternate agent to act in the event of the death or disability of the principal agent. On or before the date of filing of the first tariff or supplement by the alternate agent under the authority granted in the instrument, such alternate agent shall submit to the Commission a sworn statement setting forth the facts which justify such exercise of authority. The term "disability" as used in the instrument means resignation, permanent transfer to other duties, or other permanent absence of the principal agent, and does not mean temporary absence of the principal caused by vacation, illness, or other similar causes. After an alternate agent has once exercised the authority granted by the instrument the principal agent may not thereafter act under that instrument.

(k) *Transfer of authority from one agent to another agent.* When it is desired to transfer authority from one agent to another agent, superseding the former agent as to all such agent's effective tariffs, the transfer shall be accomplished by filing a new power of attorney naming the agent (and alternate when the new agent is an individual) thereafter to serve, which shall specifically cancel the previous power of attorney. Under all other conditions the power of attorney must be revoked in accordance with section (n) of this rule.

When a power of attorney shall have been issued to an individual and an alternate, and the death or disability of either the principal or alternate agent occurs, new powers of attorney canceling the previously effective powers of attorney and naming the agent (and alternate when the new agent is an individual) thereafter to serve shall be filed within 180 days. The new powers of

attorney shall bear no effective date. The originals thereof shall not be sent direct to the Commission, but shall be forwarded to the new agent, who, after all the necessary instruments shall have been secured, shall file the originals with the Commission all at one time. Such powers of attorney will become effective upon the date they are received by the Commission.

(l) [Not used.]

(m) *Substitution of agents.* When a new agent is appointed, or when an alternate agent assumes the duties of the principal agent, the new agent, immediately upon receipt of necessary authority, or the alternate agent, upon death or disability of his principal, shall issue a supplement to each of the effective tariffs issued by the agent superseded, which shall bear on its title page no effective date, but which shall contain a statement reading substantially as follows: "On and after [show here, in the case of a new agent, the date on which authorities are filed with this Commission; or in the case of an alternate agent, the date on which the principal ceased to act] this publication shall be considered as the issue of [show here name of new agent or the alternate acting as such]." In the case of a new agent, such supplement shall also contain a list of participating carriers, giving reference to the new authorities. If tariffs issued by the new agent will be numbered in a different MF-I.C.C. series from those of the former agent, supplements filed by the new agent to tariffs issued by the former agent shall show in connection with MF-I.C.C. numbers, that they are in the series of the former agent.

When an agent who is superseded by a new agent or alternate participates with other agents in the issuance of a joint agency tariff, a special supplement for the purpose of indicating the change need not be issued unless the agent superseded actually issues the tariff, but the information with respect to the change in agents and the list of carriers showing current powers of attorney shall be included in the next regular supplement issued.

(n) *Revocation of power of attorney.* A power of attorney may be revoked upon not less than 60 days' notice to the Commission by filing a notice of revocation with the Commission, serving at the same time a copy thereof on the agent in whose favor such power of attorney was executed. Such notice shall not bear a separate serial number, but shall specify the form and number of the power of attorney to be revoked, shall name the agent (and alternate agent when form MFXA2 is being revoked) in whose favor the power of attorney was executed, shall specify a date upon which revocation is to become effective, which must not be less than 60 days subsequent to the date of its receipt by the Commission, and shall be executed in the

following manner on paper of good quality, size 8 by 10½ inches:

REVOCATION NOTICE

(Name of carrier)

(Post office address)

Know All Men by This Instrument:

Effective _____, 19____, power of attorney MFXA-, No. _____, issued by _____ (Name of carrier)

in favor of _____ (Name of agent and alternate, if any) is hereby canceled and revoked.

(Name of carrier)

By _____

Attest (if a corporation):

[CORPORATE SEAL]

_____, Secretary.

Duplicate mailed to _____

(Name of Agent)

(Address)

(Date)

RULE 23. CONCURRENCES

23. (a) *Forms of concurrences.* The following forms shall be used in giving to carriers subject to these rules concurrences in tariffs which are issued and filed by such carriers or their agents and in which the carriers giving concurrences are participants. The provisions of paragraphs (g) and (h) of rule 22 will apply also to concurrences. If two or more carriers execute powers of attorney authorizing an agent to publish joint rates for them, it will not be necessary for those carriers to exchange concurrences with each other as to the joint tariffs issued by that agent under that authority.

(b) *Specific.* Form MFXC2 shall be used in giving concurrence in a particular tariff that is issued and filed by another carrier. The original of form MFXC2 shall be forwarded to the carrier issuing the tariff and shall by such carrier be transmitted to the Commission with the tariff. This form when not restricted will serve as continuing evidence of participation in the tariff described in the concurrence and in all supplements to and successive issues thereof. If reference to successive issues be stricken out, a new concurrence will be required for each successive issue of the tariff. Except as provided above, this form shall not be qualified in any way but must evidence concurrence in all rates, rules or other provisions contained in the tariff publication named therein.

CONCURRENCE

MFXC2, No. _____

Cancels MFXC-, No. _____

(Name of carrier)

(Post office address)

_____, 19____

To the INTERSTATE COMMERCE COMMISSION,
BUREAU OF MOTOR CARRIERS,
Washington, D. C.

This is to certify that [show name of carrier giving concurrence; see note 1, rule 22

(c) assents to and concurs in the publication and filing of the freight tariff described below, filed by [show name of carrier to whom concurrence is given], together with supplements thereto and successive issues thereof, and that such concurring carrier hereby makes itself a party thereto and bound thereby, insofar as such tariff applies between points on the lines or routes of [show name of carrier to whom concurrence is given], on the one hand, and points on the lines or routes of [show name of carrier giving concurrence], on the other; or rates in connection with which [show name of carrier giving concurrence] acts as an intermediate carrier between points on the lines or routes of [show name of carrier to whom concurrence is given] on the one hand, and points on the lines or routes of other carriers parties to such tariff, on the other, until this authority is revoked by formal and official notice of revocation filed with the Interstate Commerce Commission and sent to the carrier to which this concurrence is given. (Here give an exact description of the title page of the tariff, including the name of the issuing carrier, the MF-I.C.C. number, and dates on which issued and effective). Issued by (name and title of officer shown as issuing tariff).

(Name of carrier)

By _____

Attest (if a corporation):

_____, Secretary.

[CORPORATE SEAL]

(c) *General.* If general concurrence be given by a carrier in tariffs issued by another carrier or its agent, naming rates from or to points on its lines or over its lines, form MFXC3 shall be used. Form MFXC3 may be executed as shown, when it will authorize publication of rates for the concurring carrier from and to points served by such carrier as well as from and to points served by other carriers where the concurring carrier acts as intermediate line. If it is desired to limit the authority granted to exclude publication of rates in connection with which the concurring carrier would act as either origin, intermediate, or destination line, the form may be modified to that extent by substituting the words "from-to" for the words "between-and" or by use of other appropriate language to effect the modification authorized. When authority is given an agent to publish rates for a carrier participating under authority of a concurrence to another carrier for whom such agent acts, care must be exercised that the rates published for the concurring carrier do not exceed the scope of the authority given.

CONCURRENCE

MFXC3, No. _____

Cancels MFXC-, No. _____

(Name of carrier)

(Post office address)

_____, 19____

To the INTERSTATE COMMERCE COMMISSION,
BUREAU OF MOTOR CARRIERS,
Washington, D. C.:

This is to certify that [show name of carrier giving concurrence; see note 1, rule 22 (c)] assents to and concurs in the publication and filing of any freight tariff or supplement thereto, which [show name of carrier to whom concurrence is given] or such carrier's agent may publish and file, and in which the said [show name of concurring carrier] is shown as a participating carrier, and that such concurring carrier hereby makes itself a party thereto and bound

thereby insofar as such tariff applies between points on the lines or routes of [show name of carrier to whom concurrence is given], on the one hand, and points on the lines or routes of [show name of carrier giving concurrence], on the other; or rates in connection with which [show name of carrier giving concurrence] acts as an intermediate carrier between points on the lines or routes of [show name of carrier to whom concurrence is given], on the one hand, and points on the lines or routes of other carriers parties to such tariff, on the other, until this authority is revoked by formal and official notice of revocation filed with the Interstate Commerce Commission and sent to the carrier to which this concurrence is given.

(Name of carrier)

By _____

Attest (if a corporation):

_____, Secretary.

[CORPORATE SEAL]

Duplicate mailed to _____

at _____

(Show complete address)

(d) *Revocation of concurrence.* A concurrence may be revoked upon not less than 60 days' notice to the Commission by filing a notice of revocation with the Commission, serving at the same time a copy thereof on the carrier to which such concurrence was given. Such notice shall not bear a separate serial number, but shall specify the form and number of the concurrence to be revoked, shall name the carrier in whose favor issued, and shall specify a date upon which revocation is to become effective, which must not be less than sixty days subsequent to the date of its receipt by the Commission. The revocation notice shall be as follows:

REVOCATION NOTICE

(Name of carrier)

(Post office address)

_____, 19____

To the INTERSTATE COMMERCE COMMISSION,
BUREAU OF MOTOR CARRIERS,
Washington, D. C.

Effective _____, 19____, concurrence form MFXC-, No. _____, issued by _____ in favor of _____ (Name of carrier) is hereby canceled carrier to whom issued) and revoked.

(Name of carrier)

By _____

Attest (if a corporation):

_____, Secretary.

[CORPORATE SEAL]

Duplicate mailed to _____

(Name and title of officer)

(Name of carrier)

(Address)

(e) *Revision of tariffs when authority revoked.* When a power of attorney or concurrence is revoked, corresponding revision of the tariff or tariffs should be made effective upon statutory notice not later than the effective date stated in the notice of revocation. In the event of failure to so revise the applicable tariff or tariffs, the rates in such tariff or tariffs remain applicable until lawfully canceled.

(f) *Conflicting authority to be avoided.* In giving concurrences care

must be taken to avoid duplicating authority to two or more carriers which, if used, would result in conflicting rates or rules.

[F. R. Doc. 40-3859; Filed, September 13, 1940; 11:38 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 504-FD]

APPLICATION OF KENTUCKY COAL AGENCY, INCORPORATED, FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY; PETITION FOR PROVISIONAL APPROVAL OF MODIFICATION OF MARKETING AGENCY CONTRACT

NOTICE OF AND ORDER FOR HEARING

Kentucky Coal Agency, Incorporated, a Kentucky corporation, having been granted provisional approval as a marketing agency pursuant to Section 12 of the Bituminous Coal Act of 1937, by order of the National Bituminous Coal Commission dated November 29, 1938, and an application having been filed with the Bituminous Coal Division on August 21, 1940, by said Kentucky Coal Agency, Incorporated, for provisional approval of a modification of its marketing agency contract with its producer members;

It is ordered, That a hearing on such matter be held on the 30th day of September 1940, at 10 o'clock, in the forenoon of that day at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 500 will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such applicant and to any other person who may have an interest in such proceeding. Any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that

effect with the Bituminous Coal Division on or before September 26, 1940.

The matter concerned herewith is in regard to an application filed by Kentucky Coal Agency, Incorporated, for provisional approval of a modification of its marketing agency contract with its producer members, which contract was heretofore approved by order of the National Bituminous Coal Commission dated November 29, 1938. Said application requests that Paragraph 9 of said contract be cancelled and set aside, and that in lieu thereof the following be substituted:

"The producer agrees to pay commissions as stated hereinafter in this paragraph, on coal shipped in accordance with the terms of this agreement, except as provided in Paragraph 1 hereof. All such commissions shall be based on the gross price f. o. b. the mines.

"(a) Where the selling agent sells the coal directly a reasonable commission shall be paid the selling agent which shall be not more than 12½ per cent except that a minimum commission may be allowed of 15¢ per ton on coal sold for domestic use and 10¢ per ton on coal sold for steam use.

"(b) Where a producer appoints a sub-agent for the sale of its coal, a reasonable commission, but not more than 1¢ per ton will be paid to the selling agent and reasonable commission to be paid to the sub-agent shall be agreed upon between the producer, selling agent, and sub-agent, which commission shall be not more than 12½ per cent, except that a minimum commission may be allowed of 15¢ per ton on coal sold for domestic use and 10¢ per ton on coal sold for steam use.

"(c) A sub-agent may sell any other sub-agent who is a registered distributor and allow a discount of not more than 10 per cent, or not more than the maximum prescribed by the Bituminous Coal Division, whichever is smaller. On such sales, such distributor may be allowed a minimum discount of 15¢ per ton on coal sold for domestic use and 10¢ per ton on coal sold for steam use. On sales of this character, the commission to the sub-agent shall be 2½ per cent of the net price, with a minimum of 10¢ on coal sold for domestic use and 5¢ on coal sold for steam use.

"(d) The discount allowed wholesalers who are registered distributors shall not be more than 8 per cent or not more than the maximum prescribed by the Bituminous Coal Division, whichever is smaller. On such sales a minimum discount may be allowed such wholesalers of 15¢ per ton on coal sold for domestic use and 10¢ per ton on coal sold for steam use. On sales to wholesalers who are registered distributors for resale to others than on-line railroads, the commission to the sub-agent shall be a maximum of 4½ per cent, except that a minimum of 10¢ per ton on coal sold for domestic use and 5¢ per ton on coal sold for steam use may be allowed.

"(e) The Commission to the sub-agent on on-line railroad fuel sold to wholesalers may be not in excess of 8 per cent of the net price, or not in excess of the maximum prescribed by the Bituminous Coal Division, whichever is smaller."

Dated, September 13, 1940

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-3875; Filed, September 14, 1940; 9:47 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 514]

AMENDMENTS TO ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 6, 1940.

I hereby amend:

(a) Administrative Order No. 512, dated August 28, 1940, by changing the project designation "Missouri 1046A2 Taney" appearing therein to read "Missouri 1046A3 Taney"; and

(b) Administrative Order No. 487, dated July 17, 1940, by rescinding the allocation of \$1,500 therein made for "Washington 1034W1 Whatcom".

[SEAL]

HARRY SLATTERY,
Administrator.

[F. R. Doc. 40-3885; Filed, September 16, 1940; 11:32 a. m.]

[Administrative Order No. 515]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 6, 1940.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Delaware 1002D1 Sussex.....	\$100,000
Florida 1014G4 Clay.....	45,000
Iowa 1073B1 Adair.....	174,000
Louisiana 1012C1 Franklin.....	80,000
Minnesota 1034C1 Stearns.....	208,000
Minnesota 1057D1 Ottertail.....	149,000
North Carolina 1039B1 Union.....	158,000
North Dakota 1011E1 Cass.....	343,000
Oregon 1004B1 Lincoln.....	285,000
South Carolina 1014D1 Aiken.....	83,000
South Carolina 1022B1 Fairfield.....	70,000
South Carolina 1023C1 Dorchester.....	156,000
Tennessee 1016E1 Madison.....	51,000
Utah 1008G2 Duchesne.....	128,000
Wisconsin 1043E1 Grant.....	59,000
Wisconsin 1052C1 Crawford.....	61,000
Wisconsin 1053C1 Eau Claire.....	126,000
Wyoming 1003C1 Fremont.....	86,000

[SEAL]

HARRY SLATTERY,
Administrator.

[F. R. Doc. 40-3884; Filed, September 16, 1940; 11:32 a. m.]

DEPARTMENT OF COMMERCE.

Civil Aeronautics Authority.

[Docket No. 386]

IN THE MATTER OF THE APPLICATION OF EASTERN AIR LINES, INC., FOR AN AMENDMENT TO ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding, being the application of Eastern Air Lines, Inc., for an amendment to its existing certificate of public convenience and necessity for Route 10 to include Savannah, Ga., as an intermediate stop, is hereby assigned for public hearing on October 21, 1940, 10 o'clock a. m. (Eastern Standard Time) at the Carlton Hotel, 923 16th Street NW., Washington, D. C., before Examiner J. Francis Reilly.

Dated Washington, D. C., September 10, 1940.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Acting Secretary.

[F. R. Doc. 40-3872; Filed, September 14, 1940; 9:46 a. m.]

[Docket No. 387]

IN THE MATTER OF THE APPLICATION OF EASTERN AIR LINES, INC., FOR AN AMENDMENT TO ITS EXISTING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding, being the application of Eastern Air Lines, Inc., for an amendment to its existing certificate of public convenience and necessity for Route 6 to include Brunswick, Ga., as an intermediate stop, is hereby assigned for public hearing on October 21, 1940, 10 o'clock a. m. (Eastern Standard Time) at the Carlton Hotel, 923 16th Street NW., Washington, D. C., before Examiner J. Francis Reilly.

Dated Washington, D. C., September 10, 1940.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Acting Secretary.

[F. R. Doc. 40-3873; Filed, September 14, 1940; 9:46 a. m.]

[Docket No. 466]

IN THE MATTER OF THE APPLICATION OF UNITED AIR LINES TRANSPORT CORPORATION FOR AN AMENDMENT TO ITS EXISTING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401(H) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding, being the application of United Air Lines Transport Corporation for an amend-

ment to its existing certificate of public convenience and necessity for Route No. 1, to include Reading, Pennsylvania, as an intermediate point, is hereby assigned for public hearing on October 10, 1940, 10 o'clock a. m. (Eastern Standard Time) at the Carlton Hotel, 923 16th Street NW., Washington, D. C., before Examiner John W. Belt.

Dated Washington, D. C., September 10, 1940.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Acting Secretary.

[F. R. Doc. 40-3874; Filed, September 14, 1940; 9:47 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under Section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Hosiery Learner Regulations, September 4, 1940, (5 F.R. 3530)

Apparel Learner Regulations, September 7, 1940, (5 F.R. 3591)

Millinery Learner Regulations, Custom Made, August 29, 1940 (5 F.R. 3292)

Millinery Learner Regulations, Popular Priced, August 29, 1940 (5 F.R. 3393)

Knitted Wear Order, October 24, 1939, (4 F.R. 4225)

Textile Order, November 8, 1939, (4 F.R. 4531) as amended, April 27, 1940 (5 F.R. 1586)

Glove Order, February 20, 1940 (5 F.R. 714)

The employment of learners under these certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective September 17, 1940. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

William B. Kessler, Incorporated, Hammonton, New Jersey; Apparel;

Men's Suits, Coats, & Pants; 5 percent (75% of the applicable hourly minimum wage); September 17, 1941.

Besco Shirt Company, 600 Fulton Street, Elizabeth, New Jersey; Apparel; Men's Shirts; 5 percent (75% of the applicable hourly minimum wage); September 17, 1941.

Signed at Washington, D. C., this 16th day of September, 1940.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-3888; Filed, September 16, 1940; 11:48 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under Section 6 of the Act are issued under Section 14 thereof and part 522.5B of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective September 17, 1940.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be canceled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNERS WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

The Art Floor Tile Company, Inc., Lincoln Highway, Menlo Park, New Jersey; Floor Tile; 2 learners; 4 weeks for any one learner; 25¢ per hour; Tile Packer and Tile Paster; January 21, 1941.

Smith Sign Company, Bridgton, Maine; Painted Wood Novelties; 2 learners; 6 weeks for any one learner; 25¢ per hour; Pictorial Painter of Wood Novelties; December 24, 1940.

Southern Library Bindery Company, 429 Commerce Street, Nashville, Tennessee; Re-binding of Books; 2 learners; 6 weeks for any one learner; 25¢ per hour; Bookbinder's helper; December 24, 1940.

Wangerin Organ Company, 2330 S. Burrell Street, Milwaukee, Wisconsin; Pipe Organs; 2 learners; 12 weeks for any one learner; 25¢ per hour; Electric Contact Maker; January 7, 1941.

Signed at Washington, D. C. this 16th day of September, 1940.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-3887; Filed, September 16, 1940; 11:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

ORDER RELATING TO NORTH AMERICAN REGIONAL BROADCASTING AGREEMENT

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of September 1940,

The Commission having under consideration the provisions of the North American Regional Broadcasting Agreement; and

Whereas, it is necessary to make and amend rules and regulations of the Commission and prescribe restrictions and conditions in order to carry out the provisions of said Agreement; and

Whereas, the carrying out of said Agreement requires readjustment in the allocation of frequencies available for assignment to standard broadcast stations; and

Whereas, the United States is required under said Agreement to furnish the several countries signatory thereto, at least 180 days before the effective date thereof, with lists showing "broadcast stations actually in operation", "changes authorized to be made with respect to said stations", and "new broadcast stations authorized but not yet in operation"; and

Whereas, said lists are available for public inspection at the offices of the Commission, and copies thereof have been furnished all licensees of standard broadcast stations and all applicants for standard broadcast facilities; and

Whereas, following the conclusion of the conferences provided for under Article III, Section 1, of said Agreement, and the resolving, in accordance with the provisions thereof, of any conflicts which may arise, the Commission will enter appropriate Orders in the premises;

It is ordered, That effective March 29, 1941, §§ 3.25 to 3.29, both inclusive, and 3.34 of the Rules and Regulations of the Commission be, and the same are here, repealed; and §§ 3.25 to 3.29 and 3.34 as set forth in Annex A hereto, be, and the same are hereby, adopted.¹

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-3870; Filed, September 14, 1940; 9:14 a. m.]

¹ See page 3670.

ORDER EXTENDING EXPIRATION TIME OF CERTAIN INSTRUMENTS OF AUTHORIZATION FOR WHICH RENEWAL APPLICATIONS HAVE BEEN FILED

At a meeting of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of September 1940.

The Commission having under consideration its Orders of January 29, February 15, and June 11, 1940, entered for the purpose of facilitating the carrying out of the North American Regional Broadcasting Agreement, and establishing the expiration date of outstanding instruments of authorization for standard broadcast stations as of October 1, 1940, and

The Commission also having under consideration applications for renewal of such instruments of authorization heretofore filed, and

It appearing that the carrying out of the provisions of said Agreement cannot be completed by October 1, 1940,

It is ordered, That all instruments of authorization for the operation of standard broadcast stations expiring October 1, 1940, and for which applications for renewal have been filed with the Commission, pending further consideration of said applications, be, and the said instruments of authorization are hereby, further extended to expire at 3 a. m., E. S. T., March 29, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-3869; Filed, September 14, 1940; 9:15 a. m.]

[Docket No. 5905]

IN RE APPLICATION OF CITY OF FLINT (WAPF)

Dated, May 3, 1940; for construction permit; class of service, aviation; class of station, airport; location, Flint, Michigan; operating assignment specified: Frequency, 278 kc.; power, 15 w.; emission, A-3; hours of operation, unlimited

[File No. T2-PK-607-P]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.
2. To determine the need for the proposed station.
3. To determine whether or not exemption from the provisions of Section 9.71 of Part 9 of the Commission's Rules

and Regulations Governing Aviation Service should be granted for this station,

4. To determine whether the granting of the application, in whole or in part, would serve public interest, convenience, or necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

City of Flint,
Flint, Michigan.

Dated at Washington, D. C. September 12, 1940

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-3868; Filed September 14, 1940; 9:15 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-100, G-101, G-113, G-127]

CITY OF CLEVELAND, COMPLAINANT, V. HOPE NATURAL GAS COMPANY, DEFENDANT; CITY OF AKRON, COMPLAINANT, V. HOPE NATURAL GAS COMPANY, DEFENDANT; IN THE MATTER OF HOPE NATURAL GAS COMPANY, PENNSYLVANIA PUBLIC UTILITY COMMISSION, COMPLAINANT, V. HOPE NATURAL GAS COMPANY, DEFENDANT

ORDER POSTPONING HEARING

SEPTEMBER 13, 1940.

It appearing to the Commission that:

(a) The hearings¹ in the above-entitled proceedings were recessed to reconvene in the Commission's Hearing Room at 10:00 a. m., on September 16, 1940, at 1800 Pennsylvania Avenue NW., Washington, D. C.;

(b) Commission Counsel filed a motion on September 5, 1940, to postpone the scheduled hearing;

The Commission finds that:

Commission Counsel's motion for postponement of the scheduled hearing states sufficient reasons to justify our granting the motion;

The Commission orders that:

¹ 5 F. R. 1109.

The above-mentioned public hearing be and it is hereby postponed to commence at 10:00 a. m., January 13, 1941, in the Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-3871; Filed, September 14, 1940; 9:46 a. m.]

[Docket Nos. G-124, G-118, G-121]

IN THE MATTER OF CANADIAN RIVER GAS COMPANY, COLORADO INTERSTATE GAS COMPANY AND COLORADO-WYOMING GAS COMPANY; CITY AND COUNTY OF DENVER, COLORADO, COMPLAINANT V. PUBLIC SERVICE COMPANY OF COLORADO, ET AL, DEFENDANTS; PUBLIC SERVICE COMMISSION OF WYOMING, COMPLAINANT V. COLORADO-WYOMING GAS COMPANY, ET AL, DEFENDANTS

ORDER FIXING DATE OF HEARING

SEPTEMBER 13, 1940.

It appearing to the Commission that:

(a) On December 22, 1938, the City and County of Denver, Colorado, a State Commission within the meaning of the Natural Gas Act, filed with the Commission a complaint (Docket No. G-118) alleging, among other matters, that natural gas produced and gathered in the State of Texas by the Canadian River Gas Company is transported by said company without the State of Texas and is then sold and delivered by it to its affiliate, the Colorado Interstate Gas Company, at a point near Clayton, New Mexico; that this gas is then transported by the Colorado Interstate Gas Company through the State of New Mexico and into the State of Colorado and that a large portion of such gas is then resold by said Colorado Interstate Gas Company to an affiliate, the Public Service Company of Colorado, at the City gate of Denver, Colorado; that the said Public Service Company of Colorado is a public utility engaged in the local distribution and sale of gas at retail to consumers in the City and County of Denver, Colorado, at rates which are greatly dependent upon the price paid by it to the Colorado Interstate Gas Company; that the rates and charges for natural gas collected by the Colorado Interstate Gas Company from the said Public Service Company of Colorado are unreasonable, unjust, and discriminatory; that the Colorado Interstate Gas Company sells natural gas at a much lower rate to other purchasers on both sides of the City gates of the City and County of Denver; and said City and County of Denver petitions this Commission to investigate and determine the reasonable cost and charge for natural gas sold by the Colorado Interstate Gas Company to the Public

Service Company of Colorado at the Denver gate;

(b) On January 9, 1939, the Public Service Commission of the State of Wyoming, a State Commission within the meaning of the Natural Gas Act, filed with the Commission a petition (Docket No. G-121), reciting among other things, that natural gas produced, gathered, and transported by the Canadian River Gas Company is delivered and sold by said company to the Colorado Interstate Gas Company; that this gas is then transported, sold and delivered by the Colorado Interstate Gas Company at Livingston, Colorado, to the Colorado-Wyoming Gas Company; that the Colorado-Wyoming Gas Company transports such gas out of the State of Colorado and delivers and sells it at the City gate at Cheyenne, Wyoming, to the Cheyenne Light, Fuel and Power Company, a public utility engaged in the local distribution and sale of gas at retail to consumers in the said City of Cheyenne, Wyoming; that the rates charged by the Cheyenne Light, Fuel and Power Company are dependent in a large measure upon prices which it pays to the Colorado-Wyoming Gas Company for natural gas; that the rates and charges for natural gas sold at the City gate by the Colorado-Wyoming Gas Company are unjust, unreasonable, and discriminatory, resulting in an excessively high cost to the consumers in the City of Cheyenne; that the said Public Service Commission of the State of Wyoming petitions this Commission to determine and fix a just and reasonable rate for natural gas sold to the Cheyenne Light, Fuel and Power Company at the City gate of Cheyenne, Wyoming;

(c) On March 14, 1939, the Commission instituted an investigation (Docket No. G-124) of the Canadian River Gas Company, Colorado Interstate Gas Company, and Colorado-Wyoming Gas Company, for the purpose of enabling the Commission (i) to determine with respect to each of said companies whether in connection with any transportation or sale of natural gas subject to the jurisdiction of this Commission any rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, practices, or contracts affecting such rates, charges, or classifications are unjust, unreasonable, unduly discriminatory, or preferential; and (ii) if the Commission shall find that any such rates, charges, or classifications, rules, regulations, practices, or contracts are unjust, unreasonable, unduly discriminatory, or preferential, to determine and fix by appropriate order or orders just, reasonable, and nondiscriminatory rates, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and enforced;

(d) Said order instituting an investigation was duly served upon the said Canadian River Gas Company, Colorado

Interstate Gas Company, and Colorado-Wyoming Gas Company;

The Commission orders that:

(A) Dockets Nos. G-118, G-121, and G-124 be and they are hereby consolidated for purposes of hearing thereon;

(B) A public hearing in these proceedings be held commencing on October 28, 1940, at 10 o'clock a. m., in the Circuit Court Room, Federal Building, in Denver, Colorado, and at said public hearing, pursuant to the provisions of Section 50.63 of the Provisional Rules of Practice and Regulations under the Natural Gas Act the order of procedure will be for the Canadian River Gas Company, the Colorado Interstate Gas Company and the Colorado-Wyoming Gas Company to open and close, and said opening shall consist in the presentation of their evidence relevant and material to the matters under the aforesaid investigation; and after said opening, the Federal Power Commission shall present its evidence, and thereafter, other participants may present their evidence; said order of procedure shall, however, be subject to such change or modification as the Examiner may find necessary or desirable;

(C) Interested State commissions may participate in the said hearing, as provided in Section 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-3882; Filed, September 16, 1940; 9:39 a. m.]

[Docket No. G-177]

CAMDEN GAS CORPORATION, COMPLAINANT
V. ARKANSAS-LOUISIANA GAS COMPANY,
DEFENDANT

ORDER FIXING DATE OF HEARING

SEPTEMBER 13, 1940.

It appearing to the Commission that:

(a) On June 19, 1940, Camden Gas Corporation, a corporation organized under the laws of the State of Delaware, having its principal office and place of business in Camden, Arkansas, and engaged in the distribution of natural gas in said city and vicinity, filed a complaint against Arkansas-Louisiana Gas Company, a corporation organized under the laws of the State of Delaware and having its principal office and place of business in Shreveport, Louisiana, alleging among other matters that complainant purchases its requirements of natural gas from said defendant company at the city gate of Camden, Arkansas, and that said defendant company engages in the production, and in the transportation of natural gas in interstate commerce and also in the distribution of such gas in a

number of cities and towns in the States of Arkansas and Texas; that said defendant company sells and delivers such natural gas, among others, to five cities and towns in the State of Arkansas at rates which are discriminatory in comparison to the rates that defendant charges complainant for natural gas sold and delivered to complainant at Camden, Arkansas, and that the said discrimination is unlawful and should be eliminated;

(b) On July 20, 1940, defendant, Arkansas-Louisiana Gas Company, filed with the Commission its answer to the said complaint, denying, in substance, the existence of any alleged discriminatory rates and praying for dismissal of the complaint;

(c) On August 26, 1940, complainant, Camden Gas Corporation, filed with the Commission its motion to strike that portion of the answer of defendant pertaining to the cost and the reasonableness of the charges for natural gas sold and delivered by the defendant in the cities and towns served by it;

The Commission orders that:

(A) A public hearing for the purpose of receiving evidence on the issues raised in this proceeding be held on October 14, 1940, at 10:00 a. m., in Room 521, Post Office Building, at Little Rock, Arkansas;

(B) Interested State Commissions may participate in said hearing, as provided in Section 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-3883; Filed, September 16, 1940; 9:39 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 3800]

IN THE MATTER OF CLINTON COMPANY,
CLINTON SALES COMPANY, RESPONDENTS

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of September, A. D. 1940.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U. S. C. A., Section 41), and (49 Stat. 1526, U. S. C. A., Section 13, as amended)

It is ordered, That John L. Hornor, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, October 10, 1940, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-3876; Filed, September 14, 1940; 11:41 a. m.]

[Docket No. 3803]

IN THE MATTER OF A. E. STALEY MANUFACTURING COMPANY, THE STALEY SALES CORPORATION, RESPONDENTS

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its offices in the City of Washington, D. C., on the 12th day of September, A. D. 1940.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; U.S.C.A., Section 41), and (49 Stat. 1526, U.S.C.A., Section 13, as amended),

It is ordered, That John L. Hornor, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, October 7, 1940, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-3877; Filed, September 14, 1940; 11:41 a. m.]